

Politics without Principals: National Trade Administrations and EU Trade Policy

Johan Adriaensen

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“The young man or the young woman must possess or teach himself, train himself, in infinite patience, which is to try and to try and to try until it comes right. He must train himself in ruthless intolerance. That is, to throw away anything that is false no matter how much he might love that page or that paragraph.”

William Faulkner, *University of Virginia, May 20, 1957*

The experience of failure, more than success provides the largest stimulus for improvement. At a time that the ‘publish-or-perish’- mentality has reduced the room for error in academic research, I consider myself extremely lucky to have enjoyed the luxury of making many mistakes. Both in terms of theory, methodology and empirics I have wondered off into domains that were of little use to the end result that lies before you. But I am convinced that –if the process ran any differently- the result would not be the same.

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List of Acronyms

ACTA	Anti-Counterfeiting Trade Agreement
CCP	Common Commercial Policy
COREPER	Committee of Permanent Representatives
CPA	Comparative Public Administration
DG	Directorate-General
DGCI	Dirección General de Comercio e Inverciones
EC	European Commission
EEAS	European External Action Service
EP	European Parliament
EU	European Union
FAC	Foreign Affairs Council
FTA	Free Trade Agreement
IPE	International Political Economy
ITM	Informal Technical Meeting
KSE	Komitet do Spraw Europejskich
MEP	Member of European Parliament
MFA	Ministry of Foreign Affairs
MS	Member States
NGO	Non-Governmental Organisation
OECD	Organisation for Economic Co-operation and Development
OEP	Open Economy Politics
OLP	Ordinary Legislative Procedure
PA	Principal- Agent
US	United States
TFEU	Treaty on the Functioning of the European Union
TO	Trade Official
TPC	Trade Policy Committee
TPC S&I	Services & Investment
TPC STIS	Steel, Textiles and other Industrial Sectors
TTIP	Trans-Atlantic Trade and Investment Partnership
WPTQ	Working Party on Trade Questions
WTO	World Trade Organization

INTRODUCTION: ARE SOME MEMBER STATES MORE EQUAL THAN OTHERS?

*...Seven social sins:
Politics without Principles,
Wealth without work,
Pleasure without conscience,
Knowledge without character,
Commerce without morality,
Science without humanity and
Worship without sacrifice*

Mahatma Ghandi (1925)

Does a member state's administrative capacity affect the amount of influence obtained at the European level? In the European policy-making process, member states (MS) have ample opportunities to voice their constituents' concerns within the Council of Ministers. Ideally, we would expect MS influence to be a natural consequence from their activities within the Council. Recent studies that inquired into the different tactics and strategies employed by MS in the different Council meetings have uncovered substantial variation among the MS.¹

This evidently raises questions about the causes of the uncovered variation between MS. What makes it that some MS dispose of the required expertise to engage in arguing? Why can some MS derive a position much faster? What determines their ability to engage in coalition-building? Research inquiring into these causes has only just begun to scrape the surface. Size – be it political or economic- is the most straightforward explanatory factor forwarded in the literature, but also characteristics of the administration are often suggested as potential explanations. The limited information on member states' administrations does not need to surprise as detailed comparative research on the domestic coordination process of European policy is scarce. Ever since the edited volumes by Kassim, Peters, and Wright (2000) and Kassim et al. (2001) were published, few

¹ Dür & Mateo (2010) for example studied the application of soft and hard bargaining strategies; Tallberg (2008) and Haverland & Liefferink (2012) point at expertise-based arguing, whereas other scholars, such as Naurin & Wallace (2008), emphasised the importance of coalition-building. Finally, Diana Panke (2011) constructed an additive indicator based on fifteen actions that have been associated with the attainment of influence in the Council.

studies appeared that engaged in a systematic comparison of how MS derive and coordinate their position on European Union (EU) policy.² Even fewer scholars combined a detailed analysis of the functioning of the domestic administration, with the activities and influence achieved in the Council and its preparatory working groups.

In this dissertation, I therefore aim to address the following research question. Does a member state's administrative capacity affect the amount of influence obtained at the European level?

1. Endogenous information asymmetry and control

To understand the relation between the member states as represented in the Council and the European Commission, the Principal-Agent (PA) model will be applied. This model studies the delegation of authority from a principal to an agent, whereby the latter acts on behalf of the former. To ensure the agent operates in the interest of the principal, control mechanisms are put in place. Such control is only partial, as the principal can only monitor the outcome and not the actions of the agent. Information asymmetry between agent and principal thus explains why the agent can deviate from the principal's interests. The model is well-suited to enhance our understanding of the relation between the member states-as-principals and the Commission-as-agent because it places the highly institutionalised decision-making process that characterises the EU at its heart.

Existing applications of the PA-model in EU studies often focus on the Council as a collective principal. In so-doing, individual MS does not really matter unless they are able to shape the Council's actions. However, to address the research question outlined above, it is important that the model enables differentiation among the MS. The critical challenge lies in contesting the nature of Council-Commission interaction: can the MS individually exert control over the Commission, or can they only act under collective agreement? Once the toolbox of multiple (rather than collective) principal(s) can be unlocked, we can address the research question formulated above by integrating insights from negotiation theory and public administration into the PA framework.

The main argument, thus, goes as follows: in a context of multiple (competing) principals, each MS signals their preferences to the agent. Such signals can range from indicating a red line during

² While several authors have focused on a comparison between two or three countries (see e.g. Schout and Jordan 2008), almost none did so for all EU member states. One exception, is the work by Gärtner, Hörner, and Obholzer (2011) who expanded the analysis of Kassim (2003) to include the newer member states.

a meeting to organizing a personal meeting with the responsible Commission official. The frequency or intensity that member states provide such signals is a recurrent subject of inquiry in negotiation theory. By applying a signalling approach, we can easily integrate the insights from negotiation theory in the PA-model and redefine the notion of control in a setting of multiple, competing principals.

A second problem when conceptualizing the Council as a collective principal relates to the limited variation across the MS in terms of information asymmetry. The inability to attend the external negotiations applies to all MS equally. By introducing a novel distinction between endogenous and exogenous information asymmetry to the PA-model, it becomes possible to differentiate among the principals. Endogenous information asymmetry refers to the information a MS could have obtained regarding the agent's actions, but failed to acquire due to factors related to its own administrative functioning. This can occur, for example, if a MS is absent in one of the many meetings in the Council preparatory bodies or if national administration fails to construct an internal position to be defended. In short, the argument is presented that limited administrative capacity gives rise to endogenous information asymmetry which affects a principal's propensity to exert control. Applied to the European Union, I argue that member states vary in their ability to oversee the Commission's actions and accurately derive the nation's interest in a particular debate. Hence the central thesis of this dissertation is the following:

"In a context of multiple principals, endogenous information asymmetry explains whether a principal has limited or extensive control over the agent."

2. Research Design

To test this hypothesis, I will focus on the EU's external trade negotiations. There is a theoretical as well as an empirical justification of this policy domain. Theoretically, the Common Commercial Policy (CCP) is an exclusive competency of the European Union. National trade administrations do not make trade policy themselves, but are solely maintained to participate in the European Policy-making process. This exclusive focus facilitates the execution of the envisioned research. Indeed, any administrative capacity uncovered will be exclusively for the purpose of influencing EU decisions rather than determining national policies. In cases of shared competencies, one would ideally separate the capacity used to monitor and derive a position on European policy issues and the capacity used for national policy-making. Moreover, the case of external trade negotiations is also particularly interesting from a theoretical perspective as it contains a second delegation, i.e. that of negotiating authority to the Commission. By

consequence, the Commission-as-agent disposes of an additional information advantage that makes a differentiation among the MS monitoring capabilities more appropriate.

But there is also an empirical reason to focus on external trade negotiations. Concerns have been expressed whether the MS still dispose of the required administrative capacity to promote their interests in trade policy discussions. Matthew Baldwin, in his function of director Market Access in the Commission's Directorate General Trade, formulated the issue as follows: *"Just at the time when the issues are becoming more, not less, complex and political, it is vital that member states maintain their capacity to promote their interests (and arbitrate effectively between different national interests where necessary), question the Commission, and defend the line against third-country 'incursion'."* The trade agenda has increasingly focused on regulatory issues that often include behind the border measures such as investment, product standards or social policies (Young and Peterson 2006). This 'deepening' of the trade agenda has two ramifications for the member states' administration. First of all, it requires more specific expertise. Assessing the impact of a technical barrier to trade for domestic producers is far more opaque than a simple tariff rate. Similarly, the benefits that accrue from the recognition of a geographical indication (e.g. Parma ham, Champagne or Danish Blue cheese) are difficult to compare with the additional market access obtained from the liberalisation of trade in transportation services. At the same time, there has been a drastic increase in the number of (bilateral) trade negotiations simultaneously taking place, further augmenting the workload for national and supranational trade administrations.³

Despite the increasing demand for administrative capacity, the question can be raised whether the supply has followed: a concern also acknowledged by Matthew Baldwin: *"[The] potentially greatest problem [in EU Trade Policy], but one which is perhaps only now coming to the fore, concerns the weakening of member state capacities in trade policy. At a time when most national (as well as European) budgets are being held back or reduced, it is perhaps understandable that member states may decide to reallocate resources away from trade policy, given that it is the Commission which has the responsibility to negotiate on their behalf."* (Baldwin 2006, 930). Moreover, administrative reforms in the nineties that fostered decentralization and agencification, have made horizontal coordination an even more daunting challenge (Verhoest et al. 2007).

³ The strain the enlarged trade agenda causes; was also acknowledged in DG Trade's year report of 2006: *"Trade policy is 'getting bigger' in several different ways. [...] As a result the DG Trade is negotiating with many more third countries, and it needs to make greater efforts of communication, have more extensive consultation with Member States and civil society. It is also working increasingly on policy areas that go beyond traditional Trade activities and engage in more in-depth analysis. Given that the DG is responsible for a key and exclusive competence of the Community, its relatively low level of staffing (1,7 % of the total Commission workforce) means that the DG operates with severe strain on resources."* (Commission 2006a:18)

Having a clear *a priori* thesis, I seek a confirmatory research design. On the basis of the existing literature, we can expect to uncover more variation across MS than within a single MS over time. Hence, a cross-sectional comparison will be preferred over a longitudinal design. In terms of data-gathering, I will apply a sequential mixed methods research design in order to reap the benefits from qualitative and quantitative analytical techniques (Bergman 2011). To test the main hypothesis, I will make use of two surveys. The first survey is distributed among national representatives in the various preparatory bodies of the Council and seeks to measure MS' propensity to signal their preferences to the Commission. The second survey targets trade officials in the member states and aims to obtain a clear picture of administrative capacity. Nevertheless, the limited knowledge on the decision-making process in the Member States warrants exploratory qualitative research to construct a sensible survey instrument. Similarly, with the aim of identifying the most relevant policy arenas and most prevalent ways of signalling the Commission, a qualitative inquiry into how the MS actually interact with the Commission was deemed appropriate.

After the analysis of the survey-data, follow-up interviews help understand deviations from the expected results and trigger the formulation of new alternative hypothesis for further research.

3. Overview

The starting point of this inquiry is an analysis of the existing literature on the subject. Throughout **Chapter 1**, it will become apparent that no single approach can fully provide a compelling answer to my research question. Insights from the often-applied Principal-Agent model need to be complemented with lessons drawn from Comparative Public Administration and Negotiation Theory. In doing so, the chapter elaborates the potential contribution of my research to the wider literature.

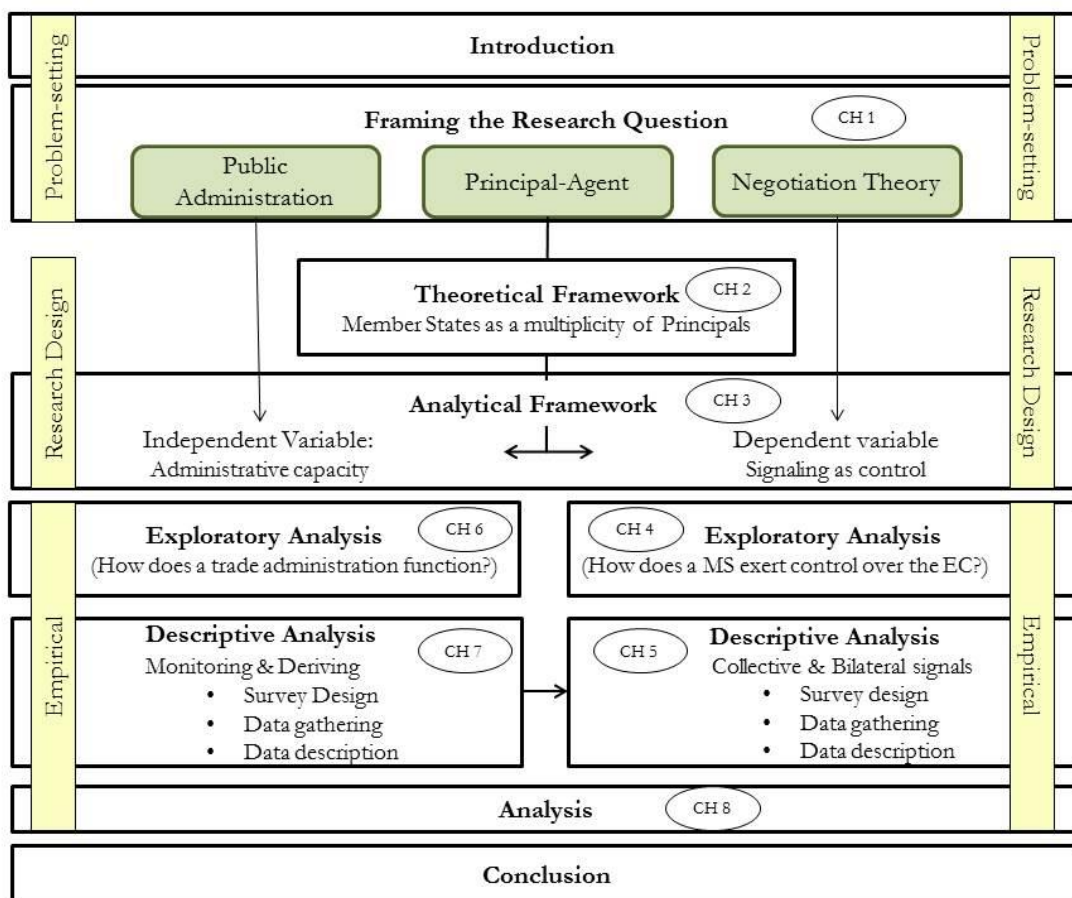
In order to reap the synergies between the three literatures, a rigorous framework is required. The key to this framework lies in the conceptualization of the Council as a multiplicity of principals rather than a collective principal. Assuming each MS can quasi-independently exert control over the Commission enables the integration of Negotiation theory.⁴ Simultaneously a distinction between endogenous and exogenous information asymmetry permits a smooth application of the

⁴ More specifically, the argument is presented that the Council is a hybrid principal due to qualified majority voting. In case simple majority applies, it would have been a collective principal (that is a majority needs to be found to reject the agreement) whereas consensus-voting would result in the conceptualization of the Council as a multiplicity of principals (each MS can veto the agreement and can thus control the Commission).

comparative insights derived from the public administration literature. This argument will be provided in **Chapter 2**.

Building upon this framework, **Chapter 3** will provide the broader research design, which lays down the foundation for the empirical work. It distinguishes the main dependent variable (control) and the main independent variable (administrative capacity), provides a broad conceptualisation of both variables and elaborates the relation between both. The chapter concludes with a discussion on the empirical strategy applied to test the main hypothesis.

Figure 1: Schematic Representation of the Dissertation



The empirical section of the dissertation consists of five chapters. The first two empirical chapters seek to foster a greater understanding of the dependent variable. **Chapter 4** raises the question as to how the MS can actually exert control over the Commission. Due to concerns over the accuracy of older administrative accounts, an update was warranted. How are the MS represented within the Council? Where and how often do they meet? Who represents the MS and what happens if there is disagreement among the MS? Addressing these questions provides crucial information for the development of the survey and the identification of potential respondents.

Chapter 5 builds further on these insights. The chapter identifies various instruments of control and classifies them into collective and bilateral signals. In addition to type of signals sent, the survey also looks into the stage of the negotiation process at which MS signal. Three propositions are formulated with respect to the type and stage at which signals are sent. Following a discussion of the data-gathering process, descriptive statistics are provided along with a test of the formulated propositions.

The following two chapters mirror this approach and apply it to the independent variable. **Chapter 6** explores the policy-making process in three MS. In contrast to the conceptualization of control, existing comparative scholarship on administrative capacity is still limited. As a consequence, qualitative pilot studies were required to obtain a better insight in the domestic policy-making processes. Using a most-different case-design, variation is uncovered along three dimensions: i.e. degree of (de-) centralization, the interaction between public and private actors, and the coordination procedures to reconcile (divergent) opinions.

Building upon these insights, **Chapter 7** develops a survey using the notion of a policy network. Following a discussion of the data-gathering process, descriptive statistics are provided, mapping various types of administrations and describing particular patterns interesting for further inquiry.

Chapter 8 can be considered the capstone chapter of this dissertation. It seeks to provide an answer to the research question formulated above, i.e. 'Does endogenous information asymmetry explain variations in the amount of control exerted by the principals?' Following a brief reconstruction of the main arguments, the chapter brings together the dependent and independent variables defined, measured, and discussed in the four previous chapters. The data-analysis combines quantitative multivariate regression analysis with graphical (added-variable) scatter plots.

A **Conclusion** will expand on the ramifications of the findings. It seeks to reflect on the internal and external validity of the research findings and explores additional paths for further research.

CHAPTER 1:

MEMBER STATES IN EU TRADE POLICY

What is the relation between member states' administrative capacity and the influence obtained at the European level? To address this question, a first source of inspiration is the existing scholarship. The most obvious starting point is the specialised literature on the EU's external trade policy. Political research on this subject is still relatively young. Up until the nineties, research was largely confined to legal studies and a handful of political analyses (Dür 2006; Poletti and De Bièvre 2014). Now, a broader literature has developed, which applies a multitude of theoretical lenses, developing its own research traditions and contributing to broader policy fields such as International Political Economy, Comparative Politics, and European Integration. Applying the Principal-Agent (PA) model, a flourishing tradition emerged studying how the institutional setting enables or constrains the MS' application of control over the Commission during international trade negotiations (da Conceição-Heldt 2011b, 2013; Dür and Elsig 2011; Kerremans 2006). These developments notwithstanding certain voids still persist. More specifically, existing approaches to study the interaction between the MS as represented in the Council and the Commission have focused only on the highly politicised issues thereby neglecting the bureaucratic nature of the trade policy process. In addition, rarely have studies explicitly focused on the divergent abilities of individual member states to weigh on trade policy outcomes.

To cover these lacunae, insights from other research traditions are required. As far as the domestic decision-making process is concerned, inspiration can be drawn from (comparative) public administration research. In addition to the study of various modes of decision-making, or the critical conditions for successful policy reforms, recent applications increasingly focused on the MS of the EU. Comparative studies on the member states inquire, amongst others, into mechanisms of national coordination (Kassim, Peters, and Wright 2000; Kassim et al. 2001), domestic administrative reform as a consequence of EU membership (Knill and Lehmkuhl 2002; Knill 2001) and the ability of a MS to implement European legislation (Börzel et al. 2010). Unfortunately, rare are the cases where more than three MS are studied for nomothetic rather than idiographic purposes. By consequence, the insights from this literature still fall somewhat

short in explaining divergent behaviour of MS in the Council. To address these caveats, it is useful to draw insights from a third research tradition: negotiation theory.

In a negotiation, we can study who gets what by giving what in return (Hampson and Zartman 2012). Applied to the context of the MS as represented in the Council, we have seen a proliferation of studies inquiring into the strategies MS apply (Dür and Mateo 2010a; Naurin 2009; Panke 2010b) and their resulting pay-off (Arregui and Thomson 2009). Less common are cases where characteristics of the national administration have been linked to the capabilities of MS to participate and be successful in Council negotiations. Moreover, one can question the extent to which the insights as obtained from cases of (regulatory) policy-making can be transposed to the case of external, Commission-led negotiations.

Only when combined can these three approaches – PA, comparative public administration and negotiation theory – provide a compelling answer to the research question formulated at the onset of this chapter. The strengths and weaknesses of each tradition will be elaborated in a separate section below. In the conclusions, I will elaborate the strategy applied to reap the aspired synergies.

1.1 The IPE of EU trade policy: rational-choice institutionalist perspective

Common topics in research on the EU's external trade policy are debates about the nature of the EU as an external actor (Damro 2012; Meunier and Nicolaidis 2006; Orbie 2011; Zimmermann 2007); its policies (Sbragia, 2010; Young & Peterson, 2006); and the drivers behind those policies. Within the latter tradition, a distinction is often made between interests, institutions and ideas (Elsig 2002). Whereas studies on the involvement of interest groups in the EU's trade policy have flourished (Dür and De Bièvre 2007; Dür 2007b; Eckhardt 2013) ideational approaches have only recently caught on (Elsig and Dupont 2012; Siles-Brügge 2011). The institutions have attracted most scholarly attention and provide a good starting point in our search for answers to the research question of this dissertation.

The Principal-Agent model features prominently when studying the relation between member states and the European Commission. We can distinguish between two applications of the model. A first tradition focuses on the distribution of competences between member states and the Union as it evolves over the consecutive treaty reforms (Nicolaidis and Meunier 2002; Niemann 2011, 2012). Research along these lines notes that the increasing scope of delegation to the European Union coincides with the strengthening of MS control (De Bièvre and Dür 2005). However, applications of the PA-model are not limited to the tug-of-war during the Intergovernmental

Conferences; other scholars focus their attention on the interaction between MS and Commission in a stable institutional context and inquire into when member states' activate the available control mechanisms and under which conditions the Commission can act autonomously from the member states (da Conceição-Heldt 2010, 2011b; Kerremans 2004, 2011b; Meunier and Nicolaidis 2006). Research in this tradition focuses more on the application of control in particular policy decisions and aligns best with the aspirations of this dissertation

The Principal-Agent model (see Chapter 2) has taught us to think in terms of factors that foster Commission autonomy and those that improve member state control. It is this literature that I will discuss more extensively in the first subsection. In the second sub-section, I will point to two remaining tensions that I consider particularly relevant for the study of the member states within the EU's external trade policy.

1.1.1. From Member State Control to Commission Autonomy

When studying MS involvement in the EU's external trade negotiations, it becomes clear that the MS –through the Council- are involved at each stage of the negotiation process: from the determination of the mandate, through the various negotiation rounds up until the eventual ratification of the negotiated outcome. Weary of accusations regarding the democratic deficit and bound by the strict voting rules within the Council, the European Commission has plenty incentives to report fully and truthfully to the member states. The close monitoring of the MS in Council working parties, gave rise to the comparison of the Council as twenty-eight mother-in-laws overlooking the Commission as it tries to negotiate (Delreux and Kerremans 2010, 361). Cornelia Woll quoted a diplomat saying: “the Commission negotiates more with the member states than with the rest of the world” (Woll 2004: 227). These reasons led scholars to argue that in the area of trade policy, control by the member states over the Commission is relatively tight especially in comparison to other policy domains like competition policy (Damro, 2007). Prime examples of such control can be found in the lead-up to the launch of the Doha Development Agenda (Kerremans 2004), the closing of the Uruguay round (Meunier 2005) or the inclusion of a (weakened) social clause (Adriaensen & González-Garibay, 2013; Young, 2007).

Notwithstanding the importance of the MS' formal instruments of control, the Commission has an additional incentive to comply with the MS' demands, and that is the shadow of the future. The decision to grant autonomy or exert control is an iterative, on-going game (Kerremans 2004). If the Commission oversteps its mandate or deviates from MS interests, the member states are less likely to provide the agent much discretion in future negotiations. In the years following the

conclusion of the Uruguay round, France's Blair House blues limited the propensity of the Council to delegate negotiating authority to the Commission (Meunier 2000, 122–125).⁵ Likewise, the failure of the WTO-ministerial in Cancun can be partly explained by the Commission's desire to obtain a future mandate from the Council (Kerremans 2004).

In reaction to and building upon the hypothesis of MS control over the Commission, a series of studies emerged that emphasised the conditional and imperfect nature of such control. The most recurrent arguments invoked by these scholars are the existence and consequences of information asymmetry, agenda-setting power, the shaping of the MS' policy preferences and the effectiveness of control instruments.

Information asymmetry

Drawing upon the Principal-Agent model, it is suggested that the Commission obtains additional leverage over the member states due its greater access to information. In bilateral trade negotiations, member states cannot attend the negotiations. As a result member states are largely dependent on the Commission for information. MS are largely left in the dark with regards to the concessions to be obtained from the negotiating partner(s). But the asymmetry of information also entails the vigour by which the Commission defends a member state's interest in the negotiations. Within the WTO the EU member states are also individual members and therefore can attend the negotiations as well. Still, even in these situations, the Commission is often at an informational advantage when meetings take place among WTO-members in smaller venues. Certain rooms cannot accommodate all of the member states, in which case the Commission represents the EU (da Conceição-Heldt 2010). Having the most accurate information regarding the offers made, the room for manoeuvre and potential package deals to be struck improves the relative autonomy of the Commission vis-à-vis the member states. Even if it is in the interest of the Commission to inform the member states, it is clear that the Commission can decide what information it discloses to the member states.

Agenda-setting power

A second mechanism through which the Commission can increase its autonomy vis-à-vis the MS, is its agenda-setting power. It acts as a first-mover in the legislative process and can therefore propose its preferred policy option among a range of feasible alternatives (Delreux and

⁵ This agreement, concluded by the end of the Uruguay Round between the US and the EU, liberalised agricultural trade. According to France this was not in line with the mandate granted to the Commission.

Kerremans 2010). But agenda-setting power also implies that the Commission can set the pace of the game and strategically make use of windows of opportunity to table proposals when MS' opposition is weakest (Johnson 1998, 59). Moreover, the ability to construct package deals has made it so that the Commission can negotiate agreements that are in line with its own preferences as long as MS benefits still outweigh the costs. While a MS might be inclined to cast its veto on an individual issue, it is the linking of various issues into a package that diminishes MS opposition (Dür 2007a). You do not throw away the baby with the bath water.

Shaping Member States' preferences

The Commission has the ability to press forward its own agenda through the strategic use of focal points (Elsig 2002, 2007). Framing the KOREU FTA within a context of transatlantic competition for market access (export discrimination) reduced MS objections to the conclusion of a deep and comprehensive trade agreement (Elsig and Dupont 2012). One of the reasons why such a focal point can affect the collective of Member States, is related to the socialization processes that take place among trade officials within the TPC (Murphy 2000; Niemann 2006). As the group of representatives meets frequently, it is only natural that there is scope for groupthink. In such a setting, a compelling focal point can easily take root. The Commission's initiatives are not limited to the Member States, though. Cornelia Woll emphasised that the Commission can also influence the involvement of business interests thereby garnering public support for (or against) particular policy proposals (Woll 2009). Such cues also reach the member states and can contribute to the broader assessment of the desirability of the overall proposal.

The need for broad mandates and the likelihood of the nuclear option

The Council needs to adopt a mandate before the Commission can negotiate. While this can strengthen control over the agent, the effectiveness of the mandate as an instrument of control has regularly been questioned. To allow sufficient room of manoeuvre during the negotiations, it is desirable that the negotiator disposes of a vague, discretion-based mandate (Meunier and Nicolaïdis 2005). Unlike a rule-based mandate that contains specific provisions on how the Commission should act, a discretion-based mandate leaves room for the Commission to negotiate as it sees fit (Hawkins et al. 2006, 27). For the Doha Round, heterogeneous interests within the Member states limited the extent to which MS could constrain the Commission's action through the mandate (da Conceição-Heldt 2011b).

The potency of the ratification process as a mechanism of control is also disputed. The political cost of rejecting an agreement enters into the cost-benefit analysis of the member states (Delreux

and Kerremans, 2010). Member states are reluctant to be held responsible for the rejection of a carefully struck balance at the international level. Following the intense consultation between the Commission and the member states throughout the negotiations, member states experience a form of co-ownership over the agreement, further weakening the effective use of sanctioning (M. Baldwin 2006; Murphy 2000). By consequence, effective rejections are exceedingly rare.

This overview highlights that there are valid reasons to argue for and against strong MS control over the Commission. The question about whose interest ultimately prevails and under which conditions is still left open for discussion.⁶ In summary, the existing political studies on EU Trade policy have mainly assessed how the institutional context in which decisions are made can affect the relative power of Commission and Council. To address the central research question, there are still several caveats that need to be overcome. This dissertation hopes to contribute to the existing scholarship by filling in these gaps.

1.1.2 Identifying the scope for progress

The first caveat observed pertains to the role attributed to the member states. When Member State preferences are an explicit part of the analysis, they are often used to illustrate a broader argument on Council-Commission interaction. Rarely are such preferences studied in their own right. By consequence, in most of the above cited studies, MS preferences are considered exogenous to the analysis. A second gap in the literature pertains to the explicit focus on politicised issues, thereby neglecting the –often- bureaucratic nature of the EU’s decision-making process.

Opening up the twenty-eight black boxes

The elaborate research conducted on the origins of Commission preferences stands in stark contrast to the existing knowledge on the determination of a Member State’s position on trade issues. At present, we dispose of elaborate (discourse) analyses of the Commission’s ideological preferences (Abdelal and Meunier 2010; Heron and Siles-Brügge 2012), have expanded our knowledge on the various interest groups attempting to influence the Commission (De Bièvre and Eckhardt 2011; Dür and De Bièvre 2007; Dür 2007b; Eckhardt 2013), and have intricate views on how the Council of Ministers influences the Commission’s behaviour (see *supra*). However, when it comes to the member states, we can only make educated guesses at how they derive their

⁶ Empirical work often faces the challenge of coping with observational equivalence (Damro 2007). When interpreting a lack of involvement from the member states, does this reflect Commission autonomy? Or is it that the Commission has anticipated potential critiques and adjusted its proposals accordingly and hence there is perfect control?

position and thus are left in the dark when exploring the traits of the domestic administration that foster control over the Commission. To address the formulated research question, a better understanding of national administrations is crucial.

This is not to say that member states are absent in the existing literature. However, in the event that individual member states feature in applied empirical research, its interests are considered exogenous. Member States frequently feature to make a more generic argument regarding the relations between Council and Commission. For example, disagreement among Member States enables statements on preference heterogeneity (da Conceição-Heldt 2011b). A case whereby a MS was effective in forcing the Commission to adjust its behaviour implies Council control (e.g. Kerremans, 2004). The key argument is that Member States are rarely taken as the main focus of inquiry. Evidently, there are a number of exceptions. To my knowledge, three studies have taken the effort to study decision-making on trade policy in national trade administrations (da Conceição-Heldt 2011a; Hayes 1993; Jordana and Ramio 2003).⁷ Unfortunately, only one of theses focused on the EU member states. John Philip Hayes conducted a comparative study of three EU Member States (Great Britain, France and Germany) in 1993. The findings –while interesting – date from a period when the WTO was not in existence, bilateral trade agreements a rarity, the EU consisted of only half its current membership and the regulatory turn in trade policy still had to take place.⁸ These studies nonetheless reveal plenty variation across various trade policy making systems. In their mapping of twelve Latin-American trade administrations, Jordana and Ramío structured the uncovered variation along five dimensions. In addition to the responsible line ministries, administrations also differ with respect to their institutional fragmentation, degree of formalisation of coordination, the network of private players and the formalisation of their participation in the policy network (Jordana and Ramio 2003). Without discarding the possibility of equi-finality, it would be surprising if such differences would not amount to varying outcomes. This suggests that there is ample scope for useful inquiry.

Bureaucratic or Political

In the event that member states are being studied, there is a strong tendency to focus on politicised issues and more particularly on the most vocal proponents within such conflicts. Maria Garcia noted the changing institutional setting within Spain as a critical factor to explain the

⁷ Other studies have also studied the MS' parliamentary debates, but here, the focus was not on a systematic assessment of variation among MS decision-making processes, but rather the positions formulated (Kerremans 2011b).

⁸ More recently, a study by Falke focused on a single Member State's administration i.e. Germany (Falke 2005).

conclusion of the EU-Chile FTA. The prospect of negotiation success outweighed the potential damages to the large Spanish fisheries industry for the Aznar government (Garcia 2011). Similarly, the actions undertaken by France in response to the prospect of agricultural liberalization as documented in relation to the Blair House Accord (Meunier 2000) or in anticipation of the Cancun Ministerial (Kerremans 2004) reflect instances of high political salience.

Here, a tension emerges between the predominant bureaucratic nature of the trade policy-making process and the academic literature with its (almost exclusive) focus on highly politicised issues (Woolcock, 2012). This implies first and foremost that we only have knowledge on those MS that became vocal in the process, but not on the position and behaviour of other MS.⁹ It also implies that we only have information on cases where MS activity led to conflict either between Council and Commission or within the Council. This neglects the population of cases where the Commission embraced input from the MS, as well as cases where such divergent opinions were resolved in an early stage and have not been documented by specialised media.

If we construct our theories about member states' role and influence in the EU's external trade policy on the basis of a limited number of 'deviant cases', chances are real that the constructed theories contain biases. A political scientist naturally focuses on those issues and topics that are subject for public debate. It is easier to study member state behaviour if we know *ex ante* that there has been a discussion between Commission and Council. Analysing such behaviour on a range of issues where debate might have been resolved at an early stage or where (specialised) media remained silent is more risky, but at the same time can paint a different, more realistic picture. For these reasons, it is also important to gain an insight into the interaction between MS and Commission across a wide range of trade topics some of which might be politicised. A few exceptions exist, however. Margareta Frennhoff Larsén studied both the EU-South-Africa FTA as well as the negotiations on the EPAs (Elgström and Frennhoff Larsén 2010; Frennhoff Larsén 2007).

In this dissertation, I do not claim to fully address these ails. My focus will not be on particular policy cases, but rather the general interaction between the different Member States and the Commission. I intend to shed light on the processes that unfold within the MS and assess how this affects their level of activity at the European level. This, I believe, can provide a first step in addressing the lacuna identified here.

⁹ It is important to recognise that variation among MS has been documented to a certain extent by the reporters of *Agence Europe* and used in analyses of the EU's external trade policy. (see e.g. da Conceição-Heldt, 2011b).

1.2 National administration in EU policies: a Comparative Public administration perspective

To address the problem of limited information on MS capacities, Comparative Public Administration (CPA) presents a fruitful alternative to look for potential answers. This subfield of Public Administration is relatively young and has gained most traction by the turn of the millennium (Pollitt 2011). While not always classified as such, an increasing number of scholars have engaged in CPA research with regards to the European Union. The information gathered and insights derived therefrom are particularly vital to unpack the Council and study the role of the member states in the EU's trade policy. Similar to the previous section, I will first summarise the main findings of this literature before identifying the remaining challenges we face when explaining varying MS influence.

1.2.1 From describing the process to questioning its consequences

At the most basic level, scholars sought to map the diversity in administrative models to coordinate a national position. The most important work in this regard are two large edited volumes providing a detailed description of the national coordination procedures in the MS studied both from a European and a domestic perspective (Kassim, Peters, and Wright 2000; Kassim et al. 2001). Eleven (and ten) MS were thus described and –to a limited extent- compared among each other. The gathered data subsequently led to a classification of MS along two dimensions: the degree of centralization and coordination ambition (Kassim 2003). The degree of centralization refers to the presence of specialised institutions within the centre of government responsible for coordination. Centralised systems are characterised by a desire to speak with a single voice. The other dimension, 'coordination ambition', points to the degree in which member states aspire to coordinate a position on every issue (comprehensive) or only on a limited number of such issues (selective). This classification has been expanded to encompass the enlarged Union (Gärtner, Hörner, and Obholzer 2011). A similar mapping exercise occurred for the development of oversight and coordinating bodies in the new MS (Dimitrova and Toshkov 2007)

A second application of CPA that is useful in addressing the formulated research question concerns the study of the effect of EU accession on national administrations. The process of Europeanization focuses on the various ways in which the MS adapt to the multi-level policy-making system (Knill and Lehmkuhl 2002). The (diminishing) diversity among MS is thus taken

as a dependent variable while the pressures associated with EU-membership are used to explain these changes (Knill 2001).¹⁰ The expectation that national administrations adjust to the European context, is built upon the premise that such reforms are made with the purpose of streamlining either the downloading of European legislation or the uploading of domestic preferences to the European level (Börzel 2002). Of the two relations most researchers have studied the former (Börzel, Hofmann, and Panke 2012; Börzel et al. 2010; Falkner, Hartlapp, and Leiber 2004; Falkner and Treib 2008; König and Luetgert 2009). Thus it was found that the speed at which European directives are transposed into domestic law or MS lack of compliance has been attributed to the policy fit between EU and national policies and the related lack of political willingness (Börzel 2002; Giuliani 2003; Knill and Lenschow 2001). Administrative procedures play a crucial role here as well (Falkner, Hartlapp, and Leiber 2004; König and Luetgert 2009). Finally, it is interesting to note that the concept of administrative capacity is also invoked with respect to the capacity of candidate MS to incorporate the *acquis communautaire* in domestic legislation (Dimitrova 2002; Nunberg 2000)

The booming literature on MS downloading capacity is strongly contrasted with the limited studies on policy uploading. This is somewhat surprising as the ability to shape European policy according to domestic preferences is at least as important as the implementation of legislation. This problem was also recognised by Beyers & Trondal (2004, p. 920) as they advance a bottom-up interpretation of Europeanization. Unfortunately, their analysis regarding supranational and intergovernmental role conceptions of national representatives was only based on two cases (Sweden and Belgium). This severely limits the generalizability of their findings. While their venture was laudable, few scholars have taken up their call to study the ability of MS to upload domestic preferences to the European level. One notable exception being Diana Panke, who linked traits of the domestic coordination process to the timing and quality of instructions submitted to permanent representations (Panke 2010a).¹¹

The complementarities with the PA-approaches outlined above are clear. CPA studies have granted us a much greater insight into the ways in which national administrations are organised

¹⁰ The extent to which these processes are truly 'caused' by EU-membership can be questioned on the basis of the cases studied. The exclusive focus on European member states inhibits a thorough comparative design. Moreover, the limited amount of MS also limits generalizability (Haverland 2006)

¹¹ Studying the REACH, Haverland and Liefferink also studied the capabilities of the Dutch administration as an important factor to influence the negotiations (Haverland and Liefferink 2012). However, this research did not apply a comparative perspective.

and how they have adapted to policy-making in a multilevel setting. Moreover, the empirical focus of Comparative Public Administration is not restricted to the most politicised issues, quite the opposite. There are, nonetheless, two limitations that constrain the ability of CPA to provide compelling answers to the formulated research question.

1.2.2 Limitations of Comparative Public Administration

The first limitation pertains to the study of the effects of variation in public administrations. Existing research is often focused on a limited number of member states and has refrained from engaging in theory-building and hypothesis generation. This applies particularly to the study on the relation between different administrative structures and the (in-) ability to shape policies at the European level. A second caveat concerns to the question of temporal and topical transferability of data. To which extent can we build upon data gathered in a (distant) past or on data referring to a different policy domain?

Explaining policy influence

While there are many studies comparing and mapping the domestic coordination processes in the Member States, few have sought to assess the consequences of such variation. Or as Goetz stated: *“in the study of the executive, it is generally held that ‘institutions matter’, but how they matter for executive performance has scarcely been tested”* (Goetz 2000, 221). The identified problem is not strictly related to the subject of uploading preferences but is more endemic to the broader study of Comparative Public Administration. The tension between nomothetic and idiographic approaches to the comparative study of public administrations is a long recognised ail that is particularly challenging for the posited research question (Pollitt 2010). Whereas the drive to obtain generalizable findings is high and has been increasing in salience in recent times due to the pursuit of ‘good governance’ practices (Pollitt 2011, 123), the supply of the aspired insights have not always followed.

In my reading of the literature, two explanations for the hesitance to engage in nomothetic research are offered. First of all, there is the limited number of cases used in comparative studies. Almost 76% of CPA articles published between 2000 & 2009 used a sample with four or fewer cases (Fitzpatrick et al. 2011). In comparative research on the EU member states, two or three administrations is the norm (see e.g. Beyers & Trondal, 2004; Knill, 2001; Schout & Jordan, 2005, 2008) and four or more is the exception. The limited number of cases incorporated in existing studies also hinders the formulation of generalizable hypotheses. The second reason for the scarcity in nomothetic research is related to the importance of contextual factors in explaining

performance of various administrations. The one-size fits all approaches to public management have repeatedly been shown to be quite problematic. In his research, Matt Andrews has shown that governments conforming to the 'one-best-way models' are not likely to exhibit better public financial management practices (M. Andrews 2010). Contextual factors play a crucial role in understanding why certain reforms work in one setting but fail in another (Pollitt 2013). A feature also recognised by heterodox development economists (Rodrik 2010).

The focus on a larger sample of member states will definitely be helpful to contribute to the growing CPA literature. Caution is required, though when elaborating hypotheses relating particular traits of MS administrations and their ability to control the Commission during external trade negotiations.

How far do generalizations travel?

A second limitation of existing scholarship is the extent to which we can generalise from the obtained findings. Ever since the edited volumes by Kassim, Peters, and Wright (2000) and Kassim et al. (2001) came out, few studies appeared that engaged in a systematic comparison of how MS derive and coordinate their position on EU policy.¹² The question can be raised whether these observations remain valid across time. Almost 15 years have passed since the original data has been gathered. It is hard to believe that throughout this period MS have not reformed their administration despite the pressures for Europeanization. If we attach any credence to the Europeanization literature, we would expect the newer MS' administrations to be particularly susceptible to change. Moreover, as becomes apparent in chapter 6 and 7, changes in a government's structure can greatly affect a horizontal policy domain such as trade.

Secondly, most detailed case-studies took place with respect to a particular policy domain. Hence, we have learned more about domestic coordination processes in EU MS with regards to environmental policy (Knill and Lenschow 1998; Schout and Jordan 2005), health policy (Greer and Martin de Almagro 2012) or chemicals regulation (Haverland and Liefferink 2012). Whether such observations transfer well to the domain of the EU's external trade policy, can be called into question. Research with regards to Europeanization as well as the transposition of EU legislation has shown considerable variation across policy domains within the MS (Haverland, Steunenberg, and Van Waarden 2011). Explanations for MS' success at downloading or uploading have centred

¹² While several authors have focused on comparison between two or three countries (see e.g. Schout and Jordan 2008), almost none did so for all EU member states.

on the (mis-)fit of EU policies with domestic legislation (Falkner, Hartlapp, and Leiber 2004). Seeing that trade is an exclusive competency of the EU, alternative explanations are called for. Furthermore, the specific institutional context of international negotiations also deviates from the ordinary legislative procedures studied in most of the cases mentioned above.

In conclusion, the potential contribution of this dissertation to the existing CPA literature is modest but not negligible. The study of national trade administrations provides a novel addition to the growing body of literature dealing with national coordination of EU policies as it focuses explicitly on an exclusive competency of the EU i.e. the Common Commercial Policy. The envisioned research also seeks to contribute to the broader literature by formulating concrete hypotheses linking administrative capacity to a MS' control over the Commission.

1.3 Influence and control: negotiation theory

Both the Principal-Agent model as well as the Comparative Public Administration literature provides limited insights into member states' varying levels of control over the Commission. To address the formulated research question, it is therefore appropriate to borrow from a third research domain i.e. negotiation theory.

1.3.1 From the nature of interaction to individual MS punching weight

Research on (International) Negotiations focuses on the question of who gets what and through which means and why. Applied to the context of the European Union, three topics have attracted scholarly attention.

A first subject studied, is the nature of interaction between the MS. It has raised questions regarding the characterisation of Council discussions as a setting for problem-solving or distributive bargaining (Naurin, 2009). Research has discovered variation across the different Council meetings along the dimension of technical complexity (Lewis 2010). Thus it is argued that technical discussions exhibit more problem-solving behaviour. But variation across stages of the negotiation have also been hypothesised (Elgström and Jönsson 2000) and confirmed (McKibben 2013; Niemann 2004). Moving from the overall negotiating dynamic to specific strategies, scholars have also sought to differentiate between the actions of individual MS.

A second line of research, inquires into the particular strategies applied by a MS and the factors that condition such application. This enables the identification of different strategies and tactics member states can undertake in the COREPER and council working groups to influence policy-outcomes. Dür & Mateo (2010) for example studied the application of soft and hard bargaining

strategies, Tallberg (2008) and Haverland & Liefferink (2012) point at expertise-based arguing, whereas other scholars, such as Naurin & Wallace (2008), emphasised the importance of coalition-building. Finally, Diana Panke combined all the identified tactics into a comprehensive indicator of 'negotiating activities' (Panke 2010).

A third tradition in negotiation theory is to study the outcome of negotiations. Which member states have been able to exert influence and how can such influence be observed? The most prominent example of such assessments is the DEU (*The European Union Decides*) database developed by Robert Thomson and his colleagues (Thomson 2011; Thomson et al. 2006). In their database, for more than 330 controversial EU decisions, member states' policy preferences and the salience attached to that position were coded. Linking these positions to particular policy outcomes enables a wide range of applications (see e.g. Arregui and Thomson 2009; Cross 2013).

The findings in all these studies, suggest that there is substantial variation across the member states. There are some member states that are particularly active, while others rarely raise an issue during Council meetings. This evidently raises questions about the causes of the uncovered variation between member states. What makes it that some delegations dispose of the required expertise to engage in arguing? Why can some member states derive a position much faster? What determines their ability to engage in coalition-building? Careful steps are taken in negotiation studies to address some of these questions. The relation between a MS' network capital - a measure of the number and intensity of the ties a MS has with other countries (Naurin 2007)- and negotiation success has been tested and confirmed in multiple analyses (Arregui and Thomson 2009; Golub 2012). In a similar fashion, the relation between countries' bargaining skills, power and information has been a factor to explain MS influence (Bailer 2004).

The advantage of Negotiation theory in addressing my research question lies in the detailed assessment of negotiation strategies and negotiation success of the different MS. Unlike the previous approaches, due attention has been given to the performance of all MS. To address my research question, input is nevertheless required from the Principal-Agent model and comparative public administration as the next section shows.

1.3.2 The questions unanswered

Again the limitations are twofold: on the one hand, the administrative capabilities that enable a MS to (successfully) wield particular strategies have only received scant attention while on the other hand most applications on MS negotiations in the Council have focused on policies subject to the OLP, not on external negotiations led by the European Commission.

Capabilities and negotiating power: Why can some MS punch above their weight?

The focus on bargaining skills, network capital, or information already go a long way in relating national capabilities to negotiation activities and their outcomes. However, the causal proximity between these capabilities and the dependent variable, limits the insights and conclusions to be drawn for our research. Knowing that more bargaining skills or a stronger network with larger MS improves bargaining success re-asserts the question as to what traits lead to network capacity, improved bargaining skills or information. A detailed analysis linking the functioning of the domestic administration to the activities and influence achieved in the Council and its preparatory working groups remains a rarity.

The potential synergies to be reaped by opening the toolbox of comparative public administration quickly become apparent. To explain MS' negotiation activities, the staff of permanent representation, budget and staff of the line ministries were a first approximation of administrative capacity (Panke 2011). But more refined approaches are also called for. To understand the capacity of the Netherlands to punch above its weight in the negotiations on REACH (Regulation for the Registration, Evaluation, Authorization and Restriction of Chemical Substances), Haverland & Liefferink (2012b) distinguish between three factors that enable MS influence i.e. scientific expertise, experiential knowledge and target group support. Finally, Diana Panke has linked the internal coordination processes to the speed by which a position is formulated (Panke 2010a)

While these recent developments are encouraging, further research is required to enable a more systematic assessment of the impact of administration capabilities and member states' ability to exert control over the Commission.

No applications to external (trade) negotiations

A second weakness is that none of the recent data- intensive studies focused on external trade negotiations. Both the *DEU* dataset as well as the data collected by Panke focused on internal EU legislative processes. Differences with external trade negotiations are threefold: first of all, the existence of a second level of delegation affects the relation between Commission and Member States (Delreux and Kerremans 2010; Meunier 2000). As the Commission negotiates on behalf of the Member States, the latter have only incomplete information regarding the feasible policy options. In other words, MS need to act in a setting of uncertainty. A second observation that constrains the generalizability of existing studies to the setting of external trade negotiations pertains to the negotiating dynamics in the Council. Unlike legislation subject to the Ordinary

Legislative Procedure, there are no formal opportunities to amend drafts of the agreement for external trade negotiations. Member States rarely get to view the entire agreement until the very late stages of negotiations when room of manoeuvre is extremely limited. By consequence, the member states need to influence decision-making during international negotiations in the absence of a completed proposal. And finally the institutional context also differs with regards to the involvement of European Parliament (see Chapter 4).

The bottom line is that we can raise the question as to whether existing findings can easily be generalised to a context wherein the Commission has been granted a negotiating mandate. Here, insights from the principal-agent model are particularly welcomed. The institutional setting in which negotiations take place lies at the heart of the many PA –studies outlined in the first section of this chapter.

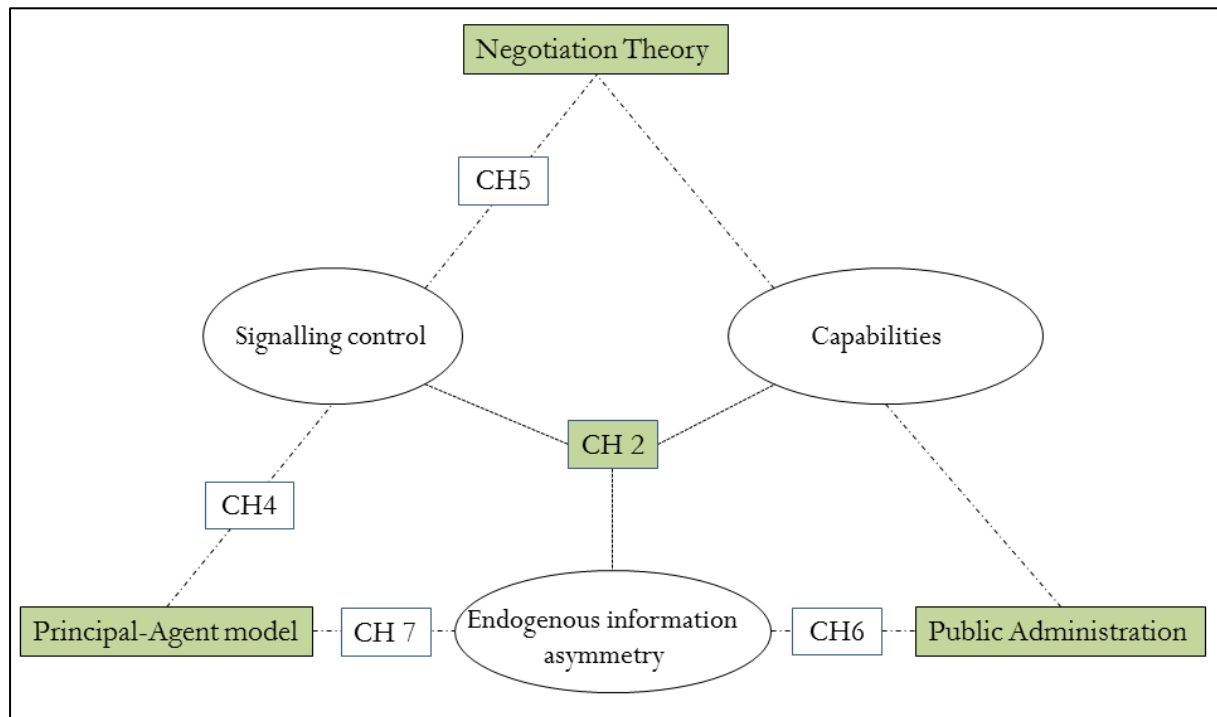
1.4 Filling the voids, reaping synergies

Having introduced the relevant literatures and their weaknesses in terms of addressing the formulated research question, one can more easily recapitulate the main synergies between each of the summarised sub-disciplines. Whereas the existing political research on the EU's trade policy has emphasised the institutional context that constrains or enables control over the Commission, it overlooked the actions of individual MS as well as the drivers of such action. Comparative public administration by contrast was able to address the question of variation in MS administration, but refrained from linking it to MS behaviour within the Council. MS behaviour in turn was the central focus of Negotiation theory, but here only limited attention was given to the institutional context of external (Commission-led) negotiations as well as the factors that explain MS capabilities. In providing an answer to the central question of this dissertation, I hope to provide a contribution to each of the respective literatures.

To exploit the hypothesised synergies, a consciously elaborated framework is required. Indeed, how can we bring these insights together in an elegant and coherent structure? The key to this puzzle lies in our interpretation of the relation between MS and Commission as studied in the PA-model. Recall that existing studies of EU trade policy have studied the interaction between MS and Commission largely from the perspective of a collective principal. The MS could only exert control through the collective and hence studying individual MS rarely made sense. The critical challenge lies in contesting the nature of Council-Commission interaction: can the MS individually exert control over the Commission or can they only act under collective agreement? Once the toolbox of multiple –rather than collective- principal(s) can be unlocked, insights from

negotiation theory and public administration can easily be integrated within the PA framework. By developing this argument, the next chapter acts as a vital bridge between the three theories.

Figure 2: Exploiting synergies across theories



As a short preview, negotiation theory can easily be linked to the signalling approach developed for a context of multiple (competing) principals. Moreover, by introducing a novel distinction between endogenous and exogenous information asymmetry to the PA-model, the role and influence of the domestic administration becomes apparent. Chapter 2 will therefore provide the theoretical framework that allows the integration of the three literatures in a meaningful research design. The third chapter will then work towards an empirical research design elaborating a crude conceptualization of the key variables and undergirds the main relation between dependent and independent variable. Regarding the dependent variable (control), we will see the resurfacing of the literature on negotiations. Likewise, the conceptualization of the independent variable -administrative capacity- will draw extensively on insights derived from (comparative) public administration.

CHAPTER 2: CAUGHT IN A COLLECTIVE? THE DIFFERENTIAL IMPACT OF EU MEMBER STATES WITHIN THE COUNCIL

To which extent can the member states influence the European Commission during international trade negotiations? To address this question, the literature overview made clear that insights from various research traditions need to be combined. Central to achieve this integration is the principal-agent model. This model studies the decision of a principal (the Council) to delegate authority to an agent (the Commission) whereby the latter acts on behalf of the former.

In studying the interaction between member states and Commission, most scholars have focused exclusively on the MS as part of a collective principal i.e. the Council. Seeing that it is the Council that delegates negotiating authority through the adoption of a single mandate, such an assumption can be easily maintained on institutional grounds. In this chapter, I argue that there are, nonetheless, good reasons to deviate from this tradition and treat the various member states as a multiplicity of principals whereby each MS varies in its propensity to monitor, sanction and thus control the Commission. Central to this claim are the strict voting rules required for ratifying an agreement. Deviating from the assumption of a collective principal has two important ramifications. First and foremost, it becomes sensible to study and compare individual member states' interaction with the Commission. A second consequence is that, in a context of multiple competing principals, we can hypothesise that the principals confronted with capacity constraints run the risk of facing sub-par policy outcomes.

To present the argument, I will proceed in three steps. In the first section, I will introduce the principal-agent model, its key concepts –delegation and control- and the underlying conditions that need to be fulfilled for the theory to provide explanatory leverage i.e. information asymmetry and goal conflict. Having laid down the foundations of the model, the second part introduces the issue of common agency and argues why –contrary to existing research- I consider it useful to study member states' attempts of control in (relative) isolation from the collective Council. Several concepts commonly developed within the context of a collective principal need to be

redefined or refined to capture any variation across MS. This will occur in the third section. A conclusion follows.

2.1 Introducing the Principal-Agent model

Principal-Agent (PA) models study the decision of a principal to delegate the performance of specific tasks to an agent and its ensuing attempts to ensure the agent performs the delegated tasks appropriately. In essence, every time a delegation occurs, it is possible to distinguish a principal and an agent.

Originally developed within economics to study the relation between insurance companies and their clients (Spence and Zeckhauser 1971), the model clearly had greater use to a broader set of hierarchical relations (Moe 1984). The potential for application within political science was quickly acknowledged but took quite a while to catch on (Moe 1984). Despite Barry Mitnick's pioneering work (Mitnick 1973, 1982), PA-approaches did not enter into the mainstream of political science until the advent of the 'Congressional dominance school'. In reaction to earlier studies criticizing the limited influence of US Congress over its bureaucracy (see e.g. Niskanen 1971), scholars reacted by pointing at the variety of ways in which Congress is able to exert control (McCubbins, Noll, and Weingast 1987; McCubbins and Schwartz 1984; Weingast and Moran 1983).

By the end of the nineties, the PA-model started making its way into studies of the European Union. The similarity between the EU's institutional context and that of the US facilitated application of the PA-model (Pollack 2002). Over the last two decades, empirical application of PA to the study of European policy-making has drastically increased. Whereas a first generation largely dealt with questions of European integration (De Bièvre and Dür 2005; Marks, Hooghe, and Blank 1996; Moravcsik 1994; Pollack 1997) later studies increasingly applied the model to explain policy outcomes in the area of trade (De Bièvre and Eckhardt 2011; da Conceição-Heldt 2011b; Kerremans 2004), competition policy (Damro 2007), environmental policy (Delreux 2008, 2009), sports governance (Geeraert 2013) and the EU's Common Foreign and Security policy (Dijkstra 2010; Drieskens 2008a, 2008b). But applications of the PA-model are not constrained to the fields of economics and politics. It has become a staple approach in the study of International Relations (Lyne, Nielson, and Tierney 2009; Nielson and Tierney 2003), Public Administration (Lane 2005; Waterman and Meier 1998) and Sociology (Shapiro 2005).

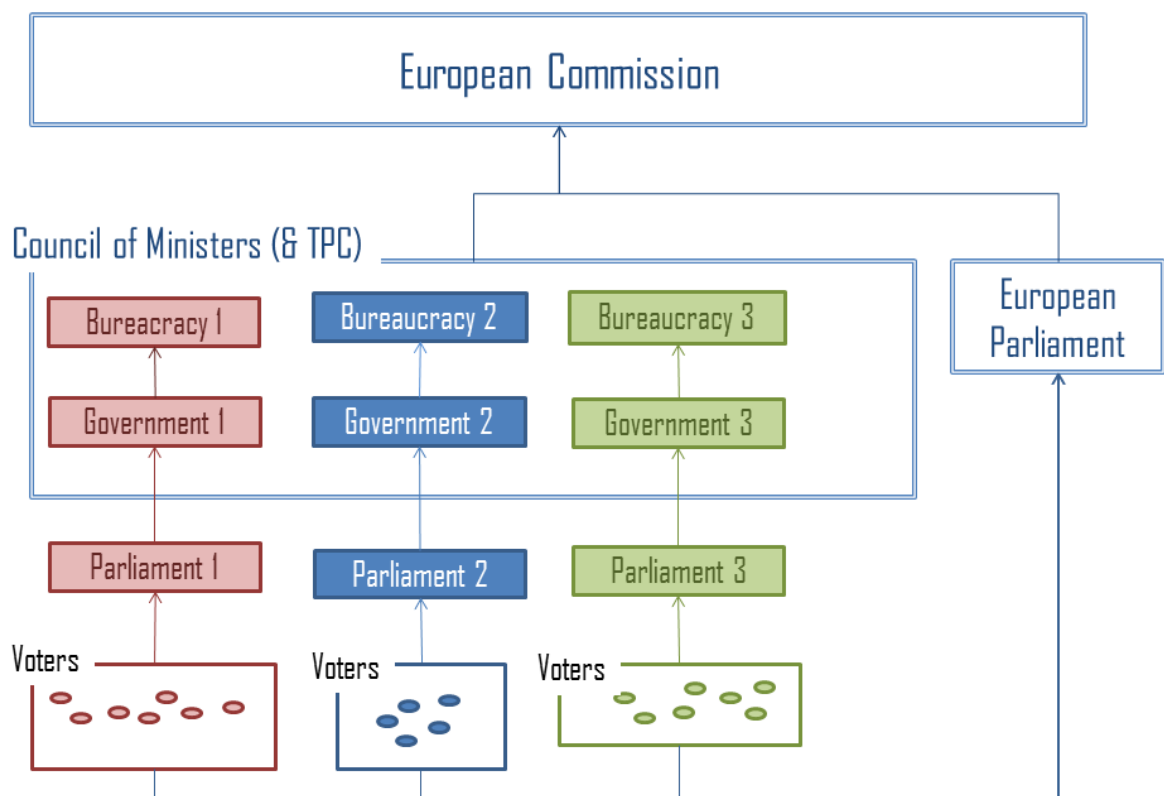
Each of these fields have developed continuously, quasi independently from another, each struggling with their own questions and challenges while occasionally re-joining to take stock

and draw inspiration from each other. In my treatment of the literature I start from the European tradition and will seek to enrich where appropriate from applications in other sub-fields of political science.

2.1.1 About delegation and control

Policy-making in a representative democracy consists of long chains of delegation. It is based on the idea that it is impossible for all citizens to organise themselves in an efficient way to develop policy. Voters select a parliament who should from then on represent their interests when approving legislation. By doing so, a voter relinquishes his direct involvement in the policy-making process to a Member of Parliament. In turn, parliament delegates its authority to the government who is responsible for developing policy propositions.

Figure 3: Chain of Delegation



As a result we end up with an increasingly smaller –but manageable– administration responsible for the drafting of a country’s laws. While recent developments in the literature have started to emphasise the impact of such delegation chains (Dür and Elsig 2011; Kerremans 2011a), my focus will be restricted to the relation between MS and Commission. Within this relation, we can

distinguish between two delegations. First there is the delegation of trade authority from the member states the European Union. In a second stage, the Council –as a collection of member states- delegates to the Commission allowing the latter to negotiate trade agreements on behalf of the former (Meunier and Nicolaidis 1999).

The decision to delegate is often modelled as the consequence of a trade-off between the benefits to be accrued from having the Commission conduct negotiations instead of the 28 member states and the costs associated with the agent concluding a deal that deviates somewhat from the principal's ideal policy outcome (agency losses) and the costs incurred to exert control over the agent (agency costs). The benefits from delegating trade authority are diverse. Reference is made to the ability to credibly represent (and commit) the member states (Kerremans 2004), the reduction of transaction costs (De Bièvre and Dür 2005), the additional bargaining power obtained from pooling resources (Meunier and Nicolaidis 2006), insulation from domestic pressure groups (Meunier 2005; Woolcock 2005) and the ability to make use of the expertise and resources of an experienced agent (Billiet 2006).¹³

The decision to delegate depends therefore also on the question of how much control needs to be applied to ensure the agent does not shirk. If the costs associated with controlling the agent are too high, delegation is undesirable. Delegation occurs for a wide range of tasks ranging from the provision of (public) services, the drafting of legislation to the negotiation of agreements. By consequence, the available control mechanisms tend to vary considerable across these cases. For executive agencies control often takes the form of budgetary adjustments, new legislation (Moe 1987), the (re-)appointment of senior officials (Weingast and Moran 1983, 769) or the initiation of a public investigation.

In case the delegation concerns negotiating authority, the selection of negotiators, provision of narrow mandates, and the rejection of a proposed agreement are often-cited control mechanisms (Delreux 2008). Two types of control are generally identified in the study of the EU's external trade policy i.e. *ex ante* and *ex post* control. *Ex ante* control mechanisms take place before the delegation whereas *ex post* control occurs once authority has been delegated.¹⁴ In delegating

¹³ For a more extensive discussion on the diverse motivations behind delegation see Kassim and Menon (2003)

¹⁴ Bart Kerremans distinguished a third control mechanism ie. *ad locum* control. In the event that Member states can effectively attend negotiations next to the Commission, it is possible to monitor the agent's actions directly and signal potential problems 'on the spot' (Kerremans 2006). This idea was applied fruitfully to external environmental negotiations (Delreux 2008, 2009). In the area of trade policy this has become quite rare as the chapters that fall under MS' competency are negotiated separately from the trade component (see *infra*).

trade policy-making authority to the EU, member states have stipulated clearly where EU competences end and where MS retain authority. When delegating negotiating competency to the Commission, additional *ex ante* control can be exerted through the determination of the negotiating mandate that sets out the red lines the negotiator cannot cross. In case the aspired agreement involves mixed competencies, member states can also determine to whom negotiating authority is granted. This can involve the EU's External Action Service, the Council presidency or a Member State with particular expertise (Delreux and Van den Brande 2013). Often a broad mandate is preferred to enable the Commission sufficient negotiating room to broker an ambitious and balanced trade deal. Such a discretion-based mandate implies a greater emphasis on *ex post* control.

In the study of *ex post* control mechanisms, a distinction is made between monitoring or oversight on the one hand and sanctioning or rewarding on the other hand. Sanctioning largely occurs through the ratification process that follows the legislative process. For issues falling under the Common Commercial policy, the Ordinary Legislative Procedure applies. This implies that MS (along with EP) can sanction the agent by not approving the suggested legislation with a qualified majority. Oversight is guaranteed through the continuous interaction between MS and Commission in the Council working party system. While treaty provisions mention the establishment of a particular committee to which the Commission should report regularly during the negotiations; it is the set of procedures governing the Trade Policy Committee which makes it a potent instrument for monitoring and control. The practice to convene the Trade Policy Committee each week, the organization of informal technical meetings to disclose more technical information regarding the negotiations, as well as established practices to circulate draft texts of e.g. tariff schedules well in advance of the negotiation rounds strengthens the member states' capacity to monitor and control the agent whenever appropriate. Procedural rules can be used to mitigate informational disadvantages as well as making the agent more responsive to the principals' interests (McCubbins, Noll, and Weingast 1987). Sanctioning of the agent can occur during the ratification of the agreement. International trade agreements are ratified with a qualified majority in case the agreement does not touch upon MS competencies.

Keep in mind though that the decision to delegate negotiating authority to the Commission takes place in a setting of repeated games enabling more cooperative behaviour (Bó 2005; Radner 1981). To ensure that the Member States will grant the Commission negotiating authority in the future, it has an additional incentive to act according to the principals' preferences (Kerremans 2004).

Whereas control mechanisms can easily be identified, observation of its effects is less apparent. Active use of control instruments only tell half the tale as control can also be exercised latently. That is, the threat of sanctioning can be a sufficient deterrent to ensure compliance by the agent (Calvert, McCubbins, and Weingast 1989). This problem of observational equivalence, has been one of the key challenges in PA-analyses (Damro 2007; Weingast and Moran 1983).

2.1.2 Goal conflict and the scope for shirking

The mere act of delegation does not in and of itself make the relation between a principal and an agent suitable for a PA-analysis. Whereas the many conditions imposed on the canonical PA-model have been relaxed in its application to political science (Miller 2005); there are two assumptions that are still worth stressing as important prerequisites for a useful application of PA-analysis. First of all, there needs to be a conflict of interests between the principal (who delegates authority) and the agent (who acts on behalf of his principal) and secondly the agent needs to be at an informational advantage (Dür and Elsig 2011; Waterman and Meier 1998). I will discuss each condition below.

Goal conflict

Within the literature, three sources of goal conflict are commonly invoked when pitting Council and Commission against each other. The most common of these pertains to the expected economic return of the resulting agreement. While the member states are solely focused on the maximization of their country's benefits, the Commission-as-agent pursues a pan-European interest (Bouwen 2004). Following this line of argument, it is the Commission that aims to maximise the size of the pie, whereas each of the member states tries to get the bigger slice. The source of goal conflict according to this line of reasoning is of a distributional nature.

A second source, concerns the distribution of power between the member states and the European Union. Member states wish to retain part of their autonomy, whereas the Commission seeks to enlarge his. Most applications of the PA-model relying on this conflict were applied to the subject of European integration (De Bièvre and Dür 2005; Kassim and Menon 2003; Marks, Hooghe, and Blank 1996; Pollack 2001). Applied to the issue of international trade it plays mostly when questions of mixed or exclusive competencies arise (Meunier and Nicolaidis 1999).

A third and final cleavage is ideological. The Commission -and in particular DG Trade- is considered more liberal, free trade oriented than the median member state. The allegation of a bias in the Commission's ideology towards free trade is largely made on the basis of (interpretative) discourse and document analysis (Siles-Brügge 2011; De Ville and Orbie 2014).

Along similar lines, it is argued that the bureaucratic nature of the Commission grants them a longer time horizon than national politicians insulating them further from narrow interests (da Conceição-Heldt 2011b).

This notwithstanding, it is important to highlight that there are also occasions in which the agent is indifferent and correspondingly has no inherent incentive to engage in shirking (Meier and O'Toole 2006; Meier, Wrinkle, and Polinard 1999). In the event that principal and agent have a common goal, the potency of PA-analysis is significantly reduced. In such a situation, principals and agent form –in the terminology of Waterman & Meier (1998)- a policy subsystem. Each member state contributes according to its own knowledge and expertise with the goal of devising an optimal outcome. Conceptualizing the principal and agent as forming a policy network can turn out to be more fruitful in those cases. For trade policy issues this largely occurs when fleshing out the technical details of a specific agreement or policy proposal. As negotiations progress specific sections of the agreement start to materialise. To ensure member state preferences are taken on board, the Commission requests input from the member states through e-mail correspondence or during the aforementioned 'Informal Technical Meetings' (see *infra*). But also in situations where political salience is low or cases where standard models or templates have been developed, goal conflict is less likely to occur.

Information asymmetry

The second assumption of the principal-agent model is that the agent has an informational advantage over its principal(s). It is this informational advantage that creates the potential for shirking behaviour or bureaucratic drift (Pollack 1997). Shirking occurs when the agent pursues policies that are not aligned with the preferences of his principals. Original applications of the Principal-Agent model used the difference in expertise as a main source of information asymmetry. To govern complex issues that require a specific type of knowledge, authority is often delegated to an expert agent (Egan 2002; Sharma 1997; Wood and Waterman 1991, 1993). It is this difference in expertise that led Max Weber to assert that “under normal conditions, the power position of a fully developed bureaucracy is always over-towering” (Weber 1960).

The delegation from Member States to the Commission is of quite a different nature, though. Representatives attending Council meetings often have an equal formidable administration behind them, making epistemic sources of information asymmetry less probable, though not impossible. Differences in technical expertise are more likely to be relevant across the Member States than between Council and Commission. In the context of international trade negotiations,

there is an alternative source of information asymmetry that enables the agent to pursue its self-interest and that is the privilege of the Commission to negotiate bilaterally without direct oversight of the member states. The lack of direct oversight results in the existence of private information on the efforts made and goals pursued by the agent. That is, the principal can only judge the outcome but not the actions of the agent. Has the Commission done everything it could to defend our national interests? Is the Commission reporting truthfully when it invokes the limited negotiating room to finalise a trade deal? There is ample reason to doubt the agent reporting openly as collusion between negotiators strengthens their position vis-à-vis their principals (Elsig and Dupont 2012).

2.2 Twenty-eight principals or a single collective?

In its simplest form, a PA-model only focuses on one principal who seeks to control a single agent. In the context of the EU, we are dealing with 28 member states as represented in the Council who have jointly delegated authority to the Commission.¹⁵ Common agency occurs quite frequently within political systems. In a country with a bicameral legislator, consent from both chambers is required before a decision can be adopted. Each chamber in its turn consists of a large number of elected representatives that need to decide –as a collective- whether to approve, amend, or reject proposed legislation.

Two types of common agency are often distinguished within the literature i.e. a collective principal and multiple principals. In case of the latter we are dealing with a single agent having more than one contract with organizationally distinct principals, the former applies to a situation where the single agent is only bound by a single contract (Kiewiet and McCubbins 1991).

2.2.1 The Council: a Collective principal?

In studying the relations between member states and Commission during trade negotiations most scholars have focused largely if not exclusively on applying the notion of collective delegation (Pollack 2002, 213). It is after all the Council as an institution that provides a single mandate and it is also the Council that decides –as a collective- whether or not to ratify the agreement.

The main distinction between a collective and multiple principals pertains to the ease by which control can be exerted. Within a collective principal, a majority needs to be construed to apply

¹⁵ Throughout this dissertation we will assume the Commission to be a singular agent to keep the analysis parsimonious. If the Commission negotiates, it is –however- not only DG Trade that represents the MS. The multiplicity of agents at times can affect the interaction between Council and Commission (Elgström and Frennhoff Larsén 2010; Frennhoff Larsén 2007).

control. This can occur through the adoption of council conclusions during the negotiations that further refine or adjust the mandate or through a rejection of the agreement (Delreux 2009, 197). In light of the formulated research question, this implies it would not make sense to study the dyadic relation between a single MS and the Commission thereby omitting the positions of the other principals involved. Along these lines it is argued that greater heterogeneity among the principals' preferences obstructs the collective principal to activate its control mechanisms and therefore, the argument continues, we can expect preference heterogeneity to enhance Commission autonomy. In trade policy, such arguments have featured quite prominently (da Conceição-Heldt 2011b; Elgström and Frennhoff Larsén 2010; Elsig 2007).

The hypothesis on preference heterogeneity and agent autonomy originates from cases of delegation between a legislator and its executive (agencies) or between a government and an international agency. The application of this logic to the EU's bilateral trade negotiations, however, is not without problems. Executive delegation implies the agent can take actions which have concrete ramifications for their principals. Most control mechanisms identified in these cases (budget cuts, parliamentary investigation, appointment of senior officials) require a majority within the collective principal before they can be triggered (see e.g. Nielson & Tierney, 2003). This is not necessarily the case when we are dealing with the delegation of negotiating authority. For international trade negotiations the Commission cannot make any binding commitments on behalf of the MS unless the latter give their consent to implement such decision. In other words, no changes in the EU's trade policy will occur lest the member states decide to ratify an agreement. The provision of a negotiating mandate does not imply a commitment in terms of result but rather a commitment in terms of effort.

Unlike situations where principals need to agree among each other if they wish to exert control, we can assume in our case that control is exerted until MS give their consent. Control is the default position. Therefore, the voting rules at the end of the negotiation and not the existence of a single mandate determine the extent to which we can conceptualise the Council as a collective or a multiplicity of principal(s). In case decisions need to be taken by unanimity, each MS can independently decide to sanction the agent by rejecting the agreement. If normal majority applies, we can maintain the conceptualization of the council as a *de facto* collective principal. Indeed, if a majority is required to block the agreement, control can only be exerted through collective action in the Council. Qualified majority falls in between both extremes and results in a hybrid situation. On the one hand, a blocking minority needs to be constructed among Member States if they wish to control the Commission, while on the other hand it can be questioned whether the Commission

can ignore the signals sent by individual member states. Clearly, chances exist that the concerned member state might be able to forge a blocking minority.

The notion of the Council being some type of 'hybrid' principal is not entirely new. Following the observation that many of the EU's trade agreements includes clauses subject to MS competencies, the applicable procedures for such mixed trade agreements require a consensus among MS and thus the notion of multiple principals apply (Kerremans 2004, fn 9). The argument presented here, broadens and formalises this argument. Instead of a dichotomous treatment of the Council, I expect to observe both elements of collective and multiple principal-agent dynamics even in pure trade agreements due to qualified majority voting. Obviously, other factors will affect the balance between the two extremes. The presence of mixed competencies as suggested by Bart Kerremans or the existence of an informal norm of consensual decision-making (Kleine 2013; Meunier 2000, 108) strengthen the conceptualisation of the Council as a multiplicity of principals. By contrast, arguments that weaken the credibility of a principal's veto at the ratification stage suggest collective dynamics are still relevant. No member state wants to shoulder the entire responsibility for the failure of a carefully constructed trade deal at the international level (Delreux and Kerremans 2010). Even in the event that no consensus is aspired, the Council still operates through qualified majority, making insights from multiple principals particularly useful for the study of MS control.

2.2.2 The Council as Multiple principals

In a setting of multiple principals, each principal can independently decide to "reward, sanction or monitor the same agent" (Nielson and Tierney 2003). This implies that it becomes possible to study each MS' attempts of control quasi-independent from the formal decisions of the collective principal. This also implies that each MS is responsible for the pay-off resulting from a common agreement. Within a collective principal, a sub-par agreement might have been the consequence of a MS' marginal voting power or its inability to convince other MS within the collective.

But there are additional insights to be obtained by focusing on the Council as a multitude of individual principals. The decision by one principal to exert control has ramifications for the other principals involved as well (Waterman and Meier 1998). A low level of control by a single member state does not necessarily result in the agent enjoying autonomy. Rather, it implies a relative increase of the remaining principals' power. The main consequence, then, is policy outcomes that are skewed in favour of the other principals' preferences. Within a framework of multiple principals, it also becomes possible to study competitive dynamics between (groups) of

member states. Such dynamics have been observed in US scholarship on Congressional and Presidential control over executive agencies. Competition between Congress and Presidency results in dynamic processes of move and counter-move where each of the principals tries to reign in their common agent (Whitford 2008). The mere uttering of a position by a member of one group can immediately be met with a reaction of the opposing group. Not because they have a different interest at stake, but due to the underlying assumption that one group's gain, would imply the other's loss. Applied to the Council, it would be interesting to study similar dynamics between the 'like-minded' and 'open-minded' group of MS which often collide on trade issues.

Coming back to the original question whether preference heterogeneity results in greater agent-autonomy, it is important to highlight that even in a context of multiple principals it is possible to hypothesise such relation. During the provision of the mandate, preference heterogeneity will affect Member States' ability to provide a rule-based mandate. In the determination of the mandate the MS still need to act as a collective as they can only adopt amendments to the Commission's proposal through qualified majority (Meunier 2000, 102). Preference heterogeneity will thus lead to a lowest common denominator approach. If all MS agree on the desirability of starting trade negotiations, they will provide a discretion-based mandate (da Conceição-Heldt 2011b). However it will also increase their eagerness to exert control during the negotiations to ensure their interests are sufficiently defended. During the negotiations, I expect that heterogeneity has an opposite effect. Faced with multiple competing demands, the Commission, assisted by the Council presidency, needs to broker a compromise between the various interests of the Member States. Here, the agent can use its agenda-setting power to insert its own preferences in the proposed compromise (Coleman and Tangermann 1999). The scope for such autonomy is, nevertheless, limited to the set of compromises that are within each of the principals' win-set. Meunier and Nicolaïdis linked this internal diversity and the unclear veto powers to an inflexible negotiating position which- in combination with the Schelling conjecture¹⁶- improves the EU's external bargaining power. While the agent thus enjoys some autonomy in the construction of an internal compromise, in light of the external negotiations the overall autonomy is constrained. The overall effect of preference heterogeneity on agent autonomy is therefore unclear and ultimately depends on the importance attached to the mandate and the scope for imputing the agent's preferences in the internal compromises.

¹⁶ The Schelling conjecture states that in international negotiations domestic constraints can increase a negotiators bargaining power as it hands are tight to a limited range of outcomes (Schelling 1960).

2.3 Focusing on individual principals

If we wish to study or compare individual member states' relation with the agent, we need to determine the scope for information asymmetry as well as the varying degree of control exerted. Unfortunately, with an –almost exclusive- focus on the Council-as-collective, existing conceptualizations are inadequate to capture variation across the principals. Two core concepts of the Principal-Agent model require a reinterpretation in light of the argument developed above. First of all, we need to adjust our notion of control. In a context of multiple principals, each principal can independently decide to sanction or reward the agent. Secondly, information asymmetry –the source of agency slack- should differ across the Member States if we want to understand varying pay-offs.

2.3.1 From collective control to control as signalling

How does control look like when focusing on a single member state? The distinction between ex ante, ex post or ad locum is not always that useful if we divert our focus from the collective to the individual principal. The legal provisions that regulate the relation between MS and Commission only refer to the MS as represented within the collective principal –the Council. The approval of a rule-based or discretion-based mandate generates equal leverage for the different MS to control the Commission. Likewise the sanction of ultimately rejecting a possible agreement applies equally to all the MS. The only indicator pointing at variation between the MS ability to control the Commission is the difference in voting rights.

In a situation of multiple, competing principals the study of control benefits from focusing on the signals sent rather than the formal procedures in force (Wood and Waterman 1993; Worsham and Gatrell 2005).¹⁷ At the basis of this signalling approach, lies the observation that communication is a crucial aspect of principal-agent interactions. Control can then be reinterpreted as the signalling of domestic preferences and their political salience. Signalling occurs in a variety of ways; it can range from the indication of a red line during a TPC meeting, arguing and bargaining with the commission to a national minister demanding a meeting with the Commissioner. Clearly, the aforementioned formal procedures still matter, but also in the discussions leading up to the provision of a mandate or during debates on the ratification of an agreement MS react through

¹⁷ In business applications of the PA-model, 'signalling' is an act performed by the agent to indicate the principals their capacities, thereby combatting problems of adverse selection. Here, the signalling occurs on behalf of the principals. I assume confusion to be limited as most EU applications of the PA-model are focused on moral hazard issues and are not using signalling as a concept.

the provision of signals. Such signalling can also serve an external purpose as it clarifies the negotiating partner the internal constraints the Commission is facing (da Conceição-Heldt 2013, 26). In reaction to the MS' actions, the EC can decide whether it will adjust its negotiating position.¹⁸

Nevertheless, there is no guarantee that mentioning an issue is sufficient to influence the Commission's behaviour. Being confronted by a plethora of demands, the Commission does not always know how 'resolute' the indicated red lines actually are. In a context of multiple principals, the agent is also at an informational disadvantage regarding the principal's preferences. In every trade agreement, member states will win and lose at the same time. The key challenge is to assess whether a member state is willing to accept this compromise or block the entire agreement due to the crossing of one particular red line. This is not as daunting of a challenge as it may seem at first sight. Policy is set through a lengthy iterative process between MS and Commission; providing ample opportunity for the former to signal the salience of a particular issue and for the latter to grasp the severity of it. Member states can vary regarding the type of signals sent, the stage at which they are sent and the frequency by which they communicate their concerns. The stage at which a MS signals the Commission might affect the probability of success. Sensitivities can be brought up even before discussions on the mandate start and can be repeated up until the ratification process has been initiated. Early stage involvement has been related to negotiation success, as the room of manoeuvre is considerably larger at this stage. Besides the provision of signals to the Commission, the use of control can also involve coalition building with other member states. In the end, the collective dynamic still plays a role insofar the threat of rejecting the entire agreement lacks credibility. The larger the coalition sending out the same signal the less likely the Commission can ignore it.

While size and power of the member state has been a staple in research on Council decision-making, recent studies applying negotiation theory have shown that member states can occasionally punch above their weight by use of personal authority or technical expertise (Tallberg 2008). Such applications have also exposed significant variation in the activities undertaken by the MS to influence the Commission. In studying individual member states' efforts

¹⁸ The representation of the policy process as one where the Commission proposes and member states voice concerns is a drastic simplification of their complex structure of interactions but is not so far-fetched. The Commission does possess substantial first mover advantages in international negotiations as it often suggests potential adjustments to be made to the mandate or suggests alternative scenarios (Delreux and Kerremans 2010).

at controlling the Commission, we can therefore build upon the insights obtained in negotiating theory.

2.3.2 Endogenous Information asymmetry

Parallel to the tendency to focus exclusively on collective mechanisms of oversight, information asymmetry has been derived exclusively in relation to the collective principal. Recall that the most pertinent source of such asymmetry is the Commission's ability to take part in the negotiations unlike the member states. The resulting uncertainty regarding the Commission's effort invested in the defence of the Member States' preferences affects each principal equally. In these cases information asymmetry is derived from the (external) context within which the negotiations take place and can –to a large extent- be considered exogenous to the principal.

If we wish to distinguish between the potential for agency slack across the multitude of principals, we need to focus on alternative sources of information asymmetry. Fortunately, there is ample literature to draw inspiration from. Above, the varying level of policy-specific expertise between an expert agent and dilettante principal was mentioned. As Member States are represented in the relevant council working parties by their domestic trade administrations, the scope for large differences in technical expertise is somewhat limited. An alternative source of information asymmetry originates from the functioning of the domestic administration. Inability to attend important briefings, lack of staff to monitor all on-going negotiations, or internal bureaucratic hurdles; each can limit a MS' propensity to control. To differentiate such sources from the exogenous information asymmetry described above, I will use the term *endogenous information asymmetry*. It is endogenous due to principals' control over the size of such asymmetry. I prefer to demarcate exogenous information asymmetry to encompass the gap in knowledge that cannot be overcome without breaking (inter)national norms and regulations.¹⁹ It is related to the institutional context in which negotiations take place and the constraints it implies for monitoring the agent. Endogenous information asymmetry by contrast arises due to a principal's limitations.

Seeing that monitoring –and in particular the “police patrol” variant- can be quite costly, it is not hard to understand why member states are affected differently by endogenous information

¹⁹ Clearly the dividing line between both is opaque and subject to interpretation. Following the discovery of widespread recording of private phone and computer data by the National Security Agency (NSA), much information prior thought to be strictly private (exogenous) can be obtained using costly (both economic and political) methods of information gathering.

asymmetry (McCubbins and Schwartz, 1987). Member states with well-organised, competent trade administration are better informed and hence less prone to ratifying sub-optimal trade deals. In a setting of multiple principals, administrative capacity affects the potential control of Member States over the Commission. Or as Terry Moe succinctly wrote: *“How much influence will any given principal have over the agency? That depends to no small extent upon how its resources, information, and incentives stack up against those of the other principals competing with it for influence”* (Moe 1987).

Endogenous information asymmetry can be the result of a deliberate trade-off between the agency costs and the perceived benefits in which case there is no reason for concern. Nevertheless, there are always inefficiencies to be uncovered in the functioning of an administration. An administration can be understaffed, face challenges in internal coordination or is hindered by an abundance of administrative procedures. In these cases, there is room to improve the benefits to be derived from the delegation by reducing endogenous information asymmetry.

Variation across the member states’ endogenous information asymmetry manifests itself both in the monitoring of the Commission during international negotiations as in the national coordination of EU policies. For the negotiation of mixed agreements, member states can directly monitor the Commission as they can attend negotiations. For the Anti-Counterfeiting Trade Agreement, eleven negotiation rounds were held. Member States’ attendance ranged from 100% (France and Finland) to a complete absence (e.g. Denmark, Estonia, and Luxemburg).²⁰ But also for those trade agreements that fall completely under the Commission’s exclusive competency, variation exists regarding the amount of information member states have at their disposal. Not all member states attend all the preparatory meetings in the Council. Moreover, representatives to these meetings can vary from an intern to a technical expert flown over from the capital. Evidently, this affects the quantity and quality of information derived from such meetings.

Additionally, more general characteristics of the administration can also affect member states’ ability to monitor and signal the Commission. In citing their double edited volume²¹, Hussein Kassim and Anand Menon noted: *“Recent research on the national co-ordination of EU policy [...] reveals considerable differences in the ambitions and administrative resources of member states, as well as*

²⁰ Data coded from the Commission’s communication regarding the transparency of ACTA negotiations (Commission 2012)

²¹ See Kassim, Peters, and Wright (2000) & Kassim et al. (2001)

evidence of 'bureaucratic politics' and problems in constructing coherent action" (Kassim and Menon 2003). Endogenous information asymmetry does not only arise from MS' inability to attend negotiation rounds or meetings in Brussels. Epistemic sources of information asymmetry clearly matter when regulatory issues such as Rules of Origin, IPR or technical barriers to trade are being discussed. Whereas few scholars have systematically mapped variation across the member states, available data already indicates the large potential to be untapped for further research. The insights derived from Comparative Public Administration scholarship as discussed in the previous chapter are particularly helpful to stimulate this effort.

By now it has become clear that member states vary both in terms of their endogenous information asymmetry as well as their propensity to signal their preferences. As a result, it is possible to formulate my main thesis:

In a context of multiple principals, endogenous information asymmetry is negatively related to principal's control over the agent.

In the next chapters, I will further elaborate the research framework and seek to derive a clear conceptualization of both dependent and independent variable. This will enable the formulation of more refined hypotheses.

2.4 Conclusion

Are the Member States caught in a collective? Using insights from principal-agent analysis this chapter has rejected this thesis. A case was made for the study of individual member states independent from the collective within which they operate. While recognizing that from a legal perspective the Council is a collective principal, I have suggested that applying insights from multiple principal models to the Council can lead to interesting new insights. The main mechanism to support this claim is the strict voting rules that apply in the EU's policy-making process.

In a context of multiple principals, it makes sense to study and compare individual member states' actions to control the Commission and the effectiveness of such attempts. A second consequence is that externalities from one member state's actions on the pay-off structure of other principals can trigger strategic behaviour. If the agent decides to protect a specific industry from import competition, this also has ramifications for those countries that are dependent on imports within that particular sector. Unfortunately, the framework and terminology used in existing applications of PA in the area of trade focuses extensively on the conceptualization of the Council

as a collective principal. Information asymmetry –the source of discretion- is invariable across MS as it is derived from the negotiating context of the agent. Similarly, notions of control largely focus on the rule-based mechanism that – apart from voting rights- are the same for each individual member state. Refinements are therefore appropriate.

To this end, a distinction has been made between exogenous and endogenous information asymmetry whereby the latter focuses on the lack of oversight due to limitations within the principal's administrative capabilities. Secondly, following other studies of multiple principals, a signalling approach towards the study of control is suggested, thereby highlighting the different actions a member state can take to signal their discontent.

CHAPTER 3:

CONCEPTUAL FRAMEWORK

The previous chapter ended by formulating the hypothesis that endogenous information asymmetry explains variation among MS control. Endogenous information asymmetry is related to the functioning of the domestic administration. Weaker administrations face greater challenges in monitoring the Commission and, hence, are less able to exert control and influence over the Commission during international trade negotiations. The interpretation of the principal-agent model as a case of multiple principals with a common agent was a vital step to enable a smooth integration of the comparative public administration literature on the independent variable's side and the integration of negotiation theory on the dependent variable's side.

Despite the apparent clarity of both administrative capacity and the notion of control, conceptual challenges surface when trying to obtain unambiguous measures of both variables. If we assume that the main function of contemporary European trade administrations consists of overseeing and controlling the Commission during its negotiations, scope for conceptual overlap becomes apparent. This overlap largely arises through ambiguities concerning the independent variable. The first section, therefore, seeks to conceptualise administrative capacity and aims to elucidate the distinction between monitoring capacity and deriving capacity. The second section zooms in on the various measures of control that have been identified in the extant literature. Keeping the theoretical framework elaborated in the previous chapter in mind, I advocate the measurement of control as a process rather than as an outcome.

The conceptualisation of the main dependent and independent variable is only one part of the broader research design. Understanding the causal drivers that link both concepts is another. The third section clarifies the relation between administrative capacity and control. More precisely, it explains why a MS' deriving and monitoring capacity stimulates the emission of signals. In addition, the causal arrow does not necessarily point in one direction. We can expect that MS experiencing a higher need to control the Commission will adapt their administrations accordingly. Questions of endogeneity will also be addressed at the end of the third section. In the fourth and final section of this chapter, the mixed method research design used for the

gathering and analysis of my data will be outlined. This will provide the bridge to the five ensuing empirical chapters.

3.1 Administrative Capacity

The information asymmetry between the member states and the Commission is not completely beyond the grasp of a member state. A MS can decide whether or not it will attend the numerous meetings organised in Brussels, consult actively with societal interests or ask experts in other ministries their opinion on a negotiation. The factors that determine this endogenous information asymmetry can be largely divided in two groups. On the one hand there are the principal's administrative capabilities, while on the other hand there is the (political) willingness to deploy such capacity in a specific negotiation. In this dissertation, I will focus largely on the relation between administrative capacity and control. An administration's decision to invest (human) resources in a specific policy discussion is a question of political salience and prioritization and will be accounted for in the research design.

A commonly used concept in Public Administration literature, the notion of 'administrative capacity' is still plagued by much vagueness nonetheless. The concept is broad and varies according to the many different sub-disciplines of the social sciences. The few comparative studies that operationalised administrative capacity often resorted to very distant proxies such as GDP per capita, aggregate indicators of administrative efficiency (Börzel et al. 2010), the number of staff in the permanent representation (Damonte and Giuliani 2012; Giuliani 2003; Kassim et al. 2001), staff and budget of responsible line ministries (Panke 2011) or general government effectiveness indicators (Panke 2012).²² In most of these studies, administrative capacity is used as a control to explain the (slow) implementation of EU legislation (see e.g. Borzel, Hofmann, Panke, & Sprungk, 2010). By contrast, I am mostly interested in the features that foster a member state to weigh on the formulation of the EU's external trade policy. The relevant factors that determine a member state's ability for downloading EU policy are not necessarily the same for uploading their preferences at the European level. Unfortunately, most work in this regard has been qualitative and focuses only on a limited number of cases (Beyers and Trondal 2004; Haverland and Liefferink 2012; Tallberg 2008). For these reasons, developing proper indicators of administrative capacity is paramount for a comparative study of national trade administrations.

²² The governance effectiveness indicators were developed as part of a broader World Bank project (Kaufmann, Kraay, and Mastruzzi 2009)

In the public administration literature, more attempts have been made to develop a formal definition of the concept. Authors like Jänicke (2001) describe administrative capacity as ‘the ability to perform functions, solve problems, set and achieve objectives’. Hildebrand and Grindle (1995) by contrast also focus on the sustainability and efficiency by which these tasks are performed. The United Nations Development Program combines both and defines administrative capacity “as the ability of individuals and organizations or organizational units to perform functions effectively, efficiently and sustainably” (UNDP 2006, 2). These definitions are rather broad and unwieldy for applied research. Therefore, Simona Milio suggests to incorporate both the specific functions an institute needs to perform and the goal one is trying to achieve in the definition of administrative capacity (Milio 2007). I am sympathetic to her reasoning, and will derive my own definition and measurement of administrative capacity accordingly. Trade policy is an exclusive competency of the European Union. The remaining functions of a national trade administration with respect to the EU’s international negotiations concern the monitoring of the Commission during these negotiations and the identification of domestic interests that might be at stake.²³ For the purpose of this research, administrative capacity can thus be defined as: “the ability of a Member State to monitor the Commission and accurately derive its own preferences in policy discussions”.²⁴ In the following two subsections, more attention is given to the conceptualization of a MS’ monitoring and deriving capacity.

3.1.1 Monitoring the Commission

Starting from a one-dimensional policy space (e.g. from trade protection to full liberalization) we can position the Commission and the Member States with respect to a specific policy issue as depicted in Figure 4. In such a simplified setting, monitoring would correspond to the observation of the Commission’s negotiating position whereas deriving concerns the identification of the domestic ideal outcome. Based on the observed gap between the desired outcome and what is being proposed by the Commission, MS signal their discontent or provide support to the Commission proposal.²⁵ This summarises the main hypothesised relation in a

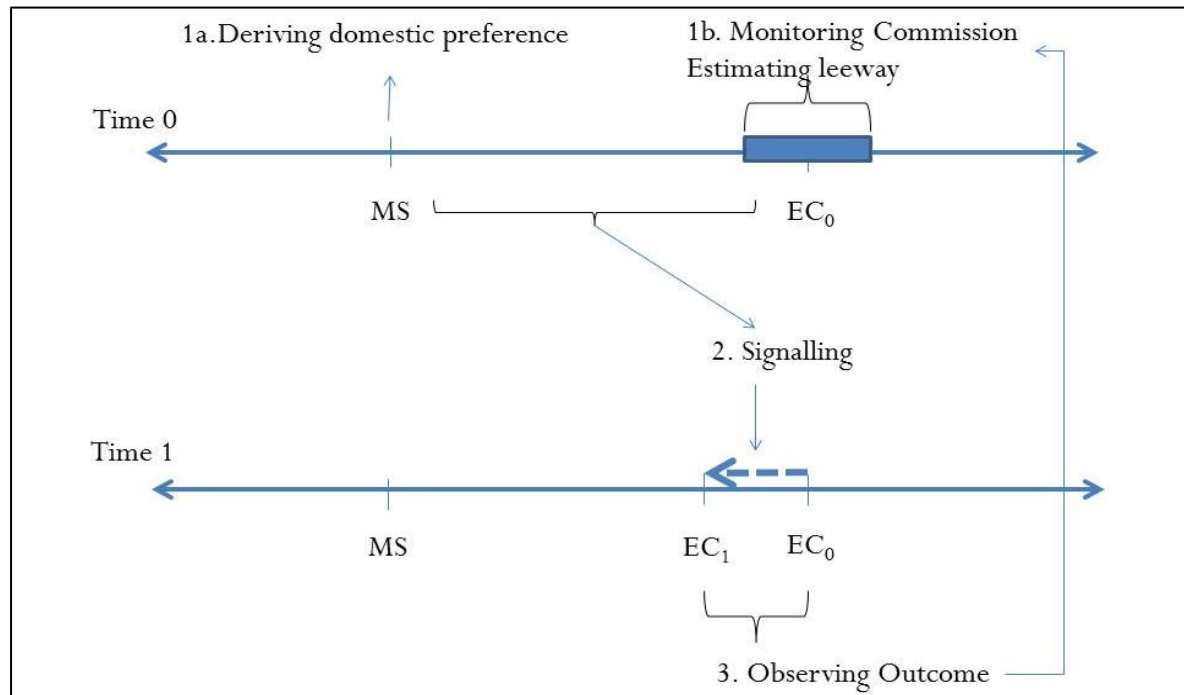
²³ Member states still retain authority on trade promotion and as Chapter 4 will elaborate, there are still a few exceptions where authority remains with the MS also in external negotiations.

²⁴ Whereas others have distinguished up to nine sub-dimensions of administrative capacity (Farazmand 2009), I prefer a parsimonious approach relying on two components.

²⁵ I will make the assumption that once an administration is able to derive a position and monitor the Commission it is also able to put two and two together and make an adequate assessment of the gap between both positions. My definition of administrative capacity can easily be expanded to incorporate an administration’s ability to combine these two sets of information.

nutshell. Monitoring capacity in its simplest form involves observing the policy positions the Commission is taking in various discussions. Seeing that MS can observe the outcome but not the actions of the agent, monitoring also concerns estimating the amount of leeway the Commission has in negotiations and the (lack of) vigour by which the agent has effectively defended a particular position. Monitoring and reporting is a key aspect of the principal-agent model (Miller 2005; Shapiro 2005).

Figure 4: Monitoring and signalling the Commission



Monitoring in the EU largely occurs through reporting requirements in the relevant Council working parties (Nicolaidis, 1999; da Conceição-Heldt, 2010). The legal setting along with procedural rules, either formalised in the mandate or through common practice, creates –in essence– equal possibilities for all the MS to obtain such information. The remaining uncertainty regarding the Commission’s actions cannot be resolved through conventional measures and gives rise to exogenous information asymmetry. When comparing the interaction of principals and their agent in different institutional settings, it makes sense to draw on this conceptualization of information asymmetry (see e.g. da Conceição-Heldt, 2013). However, for the purpose of the envisioned research the notion of endogenous information asymmetry is of greater interest. That is: the information a MS could have obtained, but did not due to factors related to their own administrative functioning. I will discuss three potential sources of varying monitoring capacity and provide examples to illustrate my point.

The most important source of deficient monitoring capacity occurs through absenteeism in the oversight committees. Whereas MS and Commission have arranged a great number of reporting occasions at which information can be obtained on the on-going negotiations, MS can decide whether or not they will attend such meetings. Coming back to the example of the ACTA negotiations in the previous chapter, many MS did not take advantage of the opportunity to monitor the negotiations *ad locum* (Commission 2012). Until recently, not all MS even attended the relevant Council working parties where the Commission briefed the MS on trade negotiations, an observation that still applies for the increasingly popular Informal Technical Meetings (see Chapter 4).

Secondly, variation can exist with regards to the representatives sent to such meetings. Some MS are represented by an experienced trade expert, others by a broadly trained diplomat while in some cases a newly hired trainee can be sent to take notes of the meeting. The amount of relevant information these different representatives can glean from such a briefing gives rise to variation in MS' monitoring capacities.

Finally, the observation that the Commission has frequent reporting obligations does not imply it will report 'truthfully' or rather completely. This problem has received far more attention in economic applications to the PA-model than in the political sciences (Laffont and Martimort 2002).²⁶ The solution to this problem is often one of incentives i.e. the agent should share in the benefits to be derived from truthful reporting. Applied to the context of trade negotiations, the only incentive to be provided is the provision of discretion in future mandates. More interesting for the aspired research, is the ability for member states to consult a number of sources to complement and contrast the reports provided in the (in-) formal meetings. In addition to bilateral inquiries for more information, MS can exchange information amongst themselves; they can contact the external negotiating partner or consult the Council secretariat to paint a more complete picture of the negotiations. Frequently engaging in such activities will result in higher monitoring capacity.

3.1.2 Deriving a position

Next to monitoring, the trade administration also needs to derive a position. The capacity to derive a position accurately builds upon the assumption that there exists *an objective exogenous optimal position* for a country. For the sake of simplicity, this optimal position is considered to be

²⁶ There have been a number of exceptions though (Brandt and Svendsen 2013; Lupia and McCubbins 1994)

defined with the purpose of delivering the greatest happiness to the greatest number. Clearly not all bureaucrats are 'states-men' adhering to the goal of maximizing aggregate welfare (Downs 1967). All deviations, be it due to the presence of corruption, political patronage, lack of technical expertise or bureaucratic inefficiencies can result in a limitation of what will be termed 'deriving capacity'. Clearly, affinities with policy capacity exist. Policy capacity is a loose concept. Its definition and key components vary widely (Baskoy, Evans, and Shields 2011; Fellegi 1996, 6; Painter and Pierre 2005, 5). One common element is that most definitions agree on the importance of knowledge and expertise and the use of such information in the policy process. Whereas discord pertains regarding the inclusion or exclusion of the implementation of policies as part of the definition, I will restrict my focus to the policy-making process. Seeing that little research has been conducted on 'policy capacity', I prefer to use the notion of 'deriving capacity' as it fits better with the developed –narrow- conceptualisation.

If monitoring capacity serves to ensure all information regarding the negotiations reaches the concerned stakeholders, deriving capacity seeks to combine the input from these actors (public and private) into a (coherent) policy position. Two aspects are important in achieving this goal: the quantity and quality of the information provided by the various state and non-state actors on the one hand and the method through which such information is processed on the other hand.

(1) Regarding the quality of information, a distinction can be made between state and societal actors. The horizontal nature of trade policy implies that many ministries are affected by its consequences. Whether central authority is located in the Ministries of Foreign affairs, the Ministry of Industry or Ministry of Economics will affect the sensitivities and available expertise (Allison and Halperin 1972; Jordana and Ramio 2003). Can alternative ministries provide input in an open coordination process or not? This will likely affect the accuracy by which a MS can determine its interests in an on-going negotiation.

With respect to stakeholders in society, interest group approaches have repeatedly indicated that not all societal actors are equally able to overcome their collective action problems. The existence of concentrated and diffuse effects from trade policies were a first source to understand why certain groups in society were more able to mobilise than others (Olson 1971). The cleavages around which (protectionist) interests mobilise can be factorial (Dutt and Mitra 2006; Rogowski 1987), sectorial (Hiscox 2001; Ladewig 2006) or geographical (Busch and Reinhardt 2000, 2005). Stimulated by the rise of (preferential) reciprocal negotiations, another cleavage originated between societal actors that incurred costs or those that expected benefits (Chase 2003; Dür 2007b;

Tovar 2009). Currently, the lobbying landscape in the area of trade policy has become quite diverse including import-competing, import-dependent and export firms as well as NGO's. This, however, does not imply all societal actors can equally weigh in the many trade negotiations that are currently taking place. Concerns have been expressed that smaller enterprises are largely absent from the policy process and that many firms do not rationally derive their interests in policy debates but often emulate the larger multinational firms in the sector (Woll 2008). Therefore, it is also important for trade officials to actively engage with societal actors. Not only to incorporate those interests often overlooked, but also to critically assess the true weight of an interest groups' claim. Do they represent a broad interest or not? Are their fears warranted? Deriving a country or a sector's interest, therefore, also requires expertise and analytical prowess on the side of the trade officials. Does an administration have sufficient in-house analytical expertise to critically assess input from interest groups (Howlett 2009; Tussie 2009)? Number of staff, availability of databases or on-the-job training are but a few factors that can help an administration to derive domestic interests more accurately.

(2) With regards to coordination processes within MS' public administration, Adriaan Schout has made a distinction in this regard between active and passive exchange of information (Schout 1999). In the case of passive exchange of information, the line ministry does not actively inform other ministries leading the latter "to hunt around to find out – and influence – what the lead department is doing" (Schout and Jordan 2008). The method by which the coordination meetings deal with diverging opinions can be a second area of analysis. To reconcile the many dissenting voices, some form of voting rules are applied which constrain the scope for government action. If a lack of unanimity obstructs any position being taken, then an oversupply of information severely limits a MS' capacity to exert control over the EC.

3.1.3 Divergences with classical PA-approaches

The above discussion in general and in particular the distinction between monitoring and deriving capacity has consequences for my interpretation of particular concepts common to the principal-agent lexicon. The first comment relates to the chosen conceptualization of administrative capacity. The decision to include monitoring as a component of administrative capacity has its ramifications for the dependent variable as well. Monitoring has consistently featured as a standard instrument of (*ex post*) control in most applications of the principal-agent model. For the goals set out in this research, it makes more sense to incorporate monitoring among the key activities of contemporary European trade administrations and to limit our

discussion on control as the activities undertaken by the MS to adjust the agent's behaviour. Monitoring in itself does not lead to an adjustment of the Commission's negotiating position. It merely acts as a precursor to the potential application of control (Krause 2003). While this requires adjustments to our reading of the principal-agent model, it is in no way contradicting prior applications of the model. It is a conceptual choice made in the context of this research design.

A second remark pertains to the limitations of the distinction between fire-alarm and police-patrol mechanisms of oversight in the application of PA analysis to the study MS monitoring in the EU's external trade policy (McCubbins and Schwartz 1984). Police patrol is often marred for being too costly, leading scholars to emphasise the complementary role of societal actors as a fire-alarm to support principals in monitoring the agent. It was originally developed in the Congressional dominance school to argue that a 'seemingly dormant' parliamentary system can still control an expert executive. Seeing that a Member of Parliament (MP) needs to monitor the executive on a wide range of topics, such fire alarms are useful in directing a MP's attention. The application of the concept runs into problems if we seek to apply it to the relation between the MS and the Commission. In this case, we are studying a national executive that controls a supranational executive. What triggers a fire alarm to go off within society is the detection of fire. Yet, one of the main sources to provide such information to the concerned interest groups is the national trade administration. All information on the negotiations is centralised in these administrations. In the process of deriving a position most administrations will consult stakeholders in society. Hence, it is possible to hypothesise a reversed causality i.e. fire alarms do not go off to awaken a dormant principal, but rather fire alarms go off in response to a vigilant principal monitoring the Commission. Further research is required to elaborate the intricate relation between police patrol and fire-alarm mechanisms of oversight. Given the research goals of this dissertation, I have decided to focus only on the police patrol variant in the discussion of monitoring capacity.²⁷

²⁷ Societal actors, by contrast, will feature more prominently in relation to deriving capacity. The determination of a national position in light of a trade negotiation depends on input from concerned stakeholders in society. In other words, they can still fulfil a 'fire-alarm function' in terms of highlighting a discrepancy between what the Commission is proposing and what they believe the national interest to be.

3.2 Different concepts of control

Applying a comparative design, a proper conceptualization and measurement of what is meant by 'control' is imperative. There are, unfortunately, few ready-made conceptualizations to build upon. Most applications of the Principal-Agent model did not need to bother with a clear choice of measurement as it was not concerned with comparative (either cross-sectional or longitudinal) research questions. That is, the large majority of empirical applications of the PA-model were mainly concerned with understanding the interaction between principal and agent in a particular policy discussion. The model is used then as a heuristic tool to elucidate the political process through an in-depth qualitative research design. In such a design, the choice of one particular operationalization of control over another is not a pressing issue as control can be observed in all its different conceptualizations simultaneously due to the intimacy of the researcher with the case under study. However, in order to make valid statements on member states' ability to control, a larger population of cases is required to draw meaningful inference. Whereas different proxies have been developed in recent studies, it is not feasible to measure each of them for the twenty-eight member states. Therefore, a choice needs to be made. This section seeks to achieve exactly that. First, I will distinguish between four categories of proxies commonly used in the literature. These categories are based on the manifestation of control (process or outcome) and the source of the gathered data (respondents or documents). In the second part, I discuss the strengths and weaknesses of the different proxies and argue why a respondent-based measurement on instruments of control is preferred as the main dependent variable.

3.2.1 Reviewing the literature, classifying different proxies

According to the Oxford Dictionary, control is defined as *"the power to influence or direct people's behaviour or the course of events"*. The clarity and obviousness of such a definition contradicts the complexity of translating it into a measurable –or even quantifiable– variable. How do we recognise control when we see it? How can we –scientifically– compare member states' control over the Commission? In recent years, a plethora of studies have emerged that seek to address this question. We can classify these studies according to two dimensions resulting in four different approaches. A first dimension reflects the manifestation of control i.e. we can observe control as reflected through an outcome (often termed 'influence') or we can observe it as a process, the act of exerting control. The second dimension distinguishes between respondent- and document driven approaches. Each has their strengths and weaknesses as discussed in further detail below.

Control-as-outcome starts from the assumption that effective control should become apparent in policy outcomes. Put simply, if a MS obtains what it desired, it has been effective in exerting control. Sean Ehrlich, for example, interprets variations across the trade weighted means of the common external tariff as the outcome of individual member states' actions (Ehrlich 2009). That is; a member state, able to obtain high tariff rates on products that are imported a lot, has been able to protect its import-competing industry and hence exhibits a high ability to control.

Table 1: Measuring control: an overview

	PROCESS	OUTCOME
RESPONDENT DRIVEN	Strengths: <ul style="list-style-type: none"> ○ Intentionality ○ Accounts informal processes ○ No case-constraint 	Strengths: <ul style="list-style-type: none"> ○ Effectiveness of control ○ Reliability ○ No case-constraint
	Weaknesses: <ul style="list-style-type: none"> ○ (Social desirability) ○ No effectiveness ○ Replicability 	Weaknesses: <ul style="list-style-type: none"> ○ ! Social desirability ! ○ Replicability ○ Internal validity (incidental success)
	Examples: Using a survey for negotiating strategies (Dür and Mateo 2010a; Panke 2010b)	Examples: The EU Decides Database (DEU) (Thomson 2011; Thomson et al. 2006)
DOCUMENT DRIVEN	Strengths: <ul style="list-style-type: none"> ○ Replicability ○ Intentionality 	Strengths: <ul style="list-style-type: none"> ○ Replicability ○ Effectiveness of control
	Weaknesses: <ul style="list-style-type: none"> ○ (case constraint) ○ No account of informal processes ○ No effectiveness 	Weaknesses: <ul style="list-style-type: none"> ○ ! Case constraint ! ○ Reliability (coder and case) ○ Internal validity (incidental success)
	Examples: Coding council meeting reports (Cross 2012)	Examples: Interpreting outcomes according to an (implicit) social welfare function (Ehrlich 2009)

The second perspective, by contrast, looks at control as a process and concentrates on the instruments applied by the member states in the act of controlling the Commission. It focuses more on activities undertaken by the member states to achieve control than on the consequences these entail in terms of shifts in policy outcomes. They can encompass anything from indicating red lines, threatening to veto the agreement to persuading the Commission through argumentation. Within principal-agent models, the focus on instruments has come quite natural.

From the decision to delegate over the determination of the mandate to the issue of monitoring and sanctioning; it is the ensuing struggle between delegating and controlling that lies at the heart of the PA-model. The distinction between process-and outcome based measures is reflected in the two columns of Table 1.

A second classification can be made with regards to the sources of data used. On the one hand there are those researchers who focus on written documents or available (economic) data to assess member states' control or influence, while on the other hand we can find those who rely on respondents' recollection of events to measure the incidence or absence of control. Among the former, research focusing on control as a process has for example coded member states' interventions in Council meeting reports (Cross 2012). The frequency that a member state is mentioned in such reports can be related to their degree of activity (or in our case control-as-process). Unfortunately, TPC meeting reports make interventions of member states anonymous discrediting this approach as a viable option. Regarding outcome-based measures that rely on trade policy data, we can refer to the study by Ehrlich mentioned above. He used a trade-weighted tariff rate which, combined with an (implicit) social welfare function, can measure the degree of control-as-outcome.

Respondent driven research by contrast starts from the experience of involved experts as gathered through interviews or surveys. While many applications in the PA-literature were built around qualitative interviews, recent developments in negotiation theory have triggered an increase in the use of surveys. Most of these studies focus on the application of specific strategies or instruments of control. Instruments identified range from bargaining and arguing (Naurin 2009) to the formation of coalitions within the Council (Elgström et al. 2001; Hosli 1999). One of the few studies that applied a comparative study on control as outcome through respondent-based data-gathering is the DEU (*The European Union Decides*) database by Robert Thomson and his colleagues (Thomson 2011; Thomson et al. 2006). In their database, for more than 330 controversial EU decisions, member states' policy preferences and the salience attached to that position were coded.

As with any classification, there are cases that do not fit exclusively within one of the four categories. The DEU database is an example thereof. In their coding exercise, document analysis was combined with qualitative interviews, resulting in a rich database. Diana Panke, in studying small states' influence in EU decision-making focused on the use of 15 different negotiation activities (= process) which were then related to negotiation success (= outcome) (Panke 2011). The

advantage from combining different approaches lies in the ability to balance out the weaknesses of a singular approach. Unfortunately this comes at a cost in terms of time and resources needed to gather the necessary data.

3.2.2 Comparing indicators and the need for triangulation

Each proxy has its advantages and disadvantages. In evaluating the empirical qualities of the different measures, we focus on the internal validity and reliability of the indicators. Internal validity inquires whether the concept measures what we are really interested in. Reliability raises the question whether repeated measurements would yield the same result. To assess validity, a 'golden rule' is often defined to identify whether a measure correctly categorises a particular case as a success or a failure. In other words, the 'golden rule' is used to assess an indicator's ability to avoid type I errors (indicating control when no control was exerted) and type II errors (indicating the absence of control whereas control was exerted). Here, the golden rule is intentionality. Control is intentional or it is not. Using this rule, the argument can be made that process-based indicators perform better than outcome-based measures. To understand why, imagine a trade proposal of the Commission that lies close to a member state's ideal outcome. In such a case no control is required nor exerted by the MS. However, based on the favourable outcome, we would be inclined to infer control. Similarly, cases can be identified where a MS has been able to thwart a worst-case scenario through the use of control but –based on the outcome- one might still deduce a lack of control. Evidently refinements can be devised to increase accuracy of outcome based measures, but this implies an increasingly complex research design.²⁸ Instruments, by contrast, are only invoked if there is a willingness to alter the agent's behaviour. Unintentional use of instruments of control while possible is highly unlikely. A threat to veto the agreement is not voiced if one has no intention to alter the Commission's position. It is important to note though that outcome indicators have the advantage of incorporating an element of effectiveness in their measurement. By counting the number of instruments applied, we still do not know anything about the effects obtained from the exerted control (effective influence). According to this standard, outcome-based measures perform better than instruments-of-control.

Internal validity is also affected by on the data-source used. For respondent-driven research, the questions raised can evoke socially desirable answers resulting into invalid measures of control.

²⁸ One refinement concerns the construction of a counterfactual outcome in the event no control was exerted. This implies knowledge of the preference of all other principals and the salience attached to it (see e.g. Thomson et al., 2006). Unfortunately, this also diminishes feasibility and reliability.

When questioning a MS' ability to exert control, respondents can exhibit a tendency to overstate their performance seeing that they are requested to make a judgment regarding their own functioning. This problem is less pertinent for document-driven measures. Nevertheless, the latter indicators are prone to a different bias as their measurement is limited to the data that is (publically) available. We can only code or measure that which we can observe. Regarding the use of 'control as process' this obscures the many negotiating activities taking place outside the confines of a council working party meeting. Similarly, inferring control from the tariff rates on certain products might obscure the concessions obtained on non-tariff barriers.

Reliability of the indicator reflects the odds by which repeated measurements would amount to the same outcome. A distinction is made here between case-reliability and coder-reliability. Case reliability focuses on the sensitivity of our inferences to the cases under investigation. If we were to focus on the association agreement between the EU and Algeria, salience differs widely for the Mediterranean and Northern member states. Domestic interests – and the propensity for control – are highly contingent on the cases studied.²⁹ Addressing this problem is harder for document-based measures of control, as we need to ensure that as many cases as possible are included in the analysis to reduce biases. When focusing on respondents, this can be realised in a single measurement as one respondent can shed his/her light on the overall use of instruments over a wide range of cases. Of greater importance for the assessment of reliability is the degree to which the measurement is affected by the researchers' personal judgments. Whereas the room for interpretation with respondents-based indicators is limited, this is not the case when resorting to document-based indicators. According to which rules do we judge the obtained outcome to be desirable for a concerned member state? Can we even make a generalising assumption regarding their ideal outcomes? If each MS has a distinct utility function, interpreting policy outcomes is difficult and rather subjective. The same applies when interpreting control as a process. Indeed, what might be termed a strong signal to one researcher may be a weak signal for another depending on negotiating culture or the manner in which the concern was voiced.

It is clear that each proxy has its advantages and disadvantages. Ideally all different proxies are measured and triangulated, allowing a more accurate, balanced view of control. Unfortunately, as Voltaire indicated: *le mieux est l'ennemie du bien*; therefore a choice is needed to keep the analysis feasible. For my research purposes, I prefer to approximate control-as-a-process through

²⁹ One way to overcome the limited reliability for outcome based measures is to incorporate a sufficient large amount of cases. Evidently this has ramifications for the feasibility of the research design.

respondent-based data. This choice is instigated by the challenges associated with the study of European trade policy decisions. Research has indicated that after the enlargement informal processes have become increasingly important (Elsig 2010). The ability to obtain an insight into activities that do not show up in official documents or go by unnoticed to other participants is an important advantage of respondent-based proxies such as a survey (Dür & Mateo, 2010: 689). A second motivation to focus on respondent-based data gathering is a matter of feasibility. Gaining access to the TPC meeting reports is no easy feature and it remains to be seen whether it mentions the intervening member states explicitly in sufficient cases. Based on the few reports I was able to access, serious doubts can be cast on these reports' usefulness for the envisioned research goals. The same applies to the coding of negotiated outcomes. The importance of the trading partners tends to vary substantially across the member states and with it the need and willingness of a member state to control the Commission. In order to obtain a representative sample a wide range of issues in a wide range of negotiations should be coded to limit potential biases due to sample selection.

An additional advantage of using respondents as a source of information is that both the use of instruments as well as the resulting outcome can be inquired in a single survey. Evidently, the problem of social desirability needs to be tackled. This issue is less problematic when information is requested on the use of a specific instrument, especially if the underlying research objectives are kept private. Self-reported survey-data obtained by Panke was found to be quite robust when cross-checked with responses from other member states' and Commission (Panke, 2010). For these purposes, I decide to focus primarily on control as a process and this through a respondent-driven approach. A secondary proxy will be the effectiveness of the control exerted i.e. the outcome.

3.3 The relation between administrative capacity and control

The conceptualization elaborated in the previous sections already shed some light on how administrative capacity and control as signalling are related to one another. The first sub-section seeks to explicate the hypothesised causal relation in greater detail. How do the various components of administrative capacity affect signalling? And would the finding of a correlation imply all Member States benefit from increasing their administrative capacity? Having clarified these questions, the second sub-section presents the research design through which the empirical analysis will take place.

3.3.1 Configuration of administrative capacity and the propensity to signal

As discussed in the previous chapter, low monitoring capabilities result in higher information asymmetry between principal and agent. This information asymmetry strengthens the Commission as it provides various means to neutralise MS protest by appealing e.g. to the limited negotiating room, the extent of its efforts or the relative isolation of the MS within the Council. The reason it is able to do so credibly is the lack of information on the side of the MS. Such information is crucial to invalidate the Commission's retorts. Even in the event that concrete concessions are being granted, low monitoring capacity result in a MS becoming easily complacent as the potential gain to be obtained from further protest is unbeknownst to the administration. By consequence, limited monitoring capacity does not necessarily affect the range of issues on which signalling takes place, but rather the frequency and severity by which a MS will keep signalling in response to the Commission's actions.

The consequence of low capacity in terms of deriving a position requires further explanation. Indeed, limited deriving capacity only makes a statement about the odds by which a MS can accurately derive the objective exogenous optimal position. Recall, that deriving capacity is related to the ability of an administration to approximate such an ideal outcome. Whether this leads to increased signalling is a separate question. The biases a limited capacity creates with respect to the estimation of the gap between a MS' desired outcome and the Commission's negotiating position, can be one of three types: (1) it can exaggerate the size of a gap between the Commission's proposal and the domestic interests, (2) it can underestimate said gap or (3) it might result into lack of knowledge on the existence of a potential gap. In the latter two situations, it is clear that we will see fewer signals being sent (see Figure 4). In the first instance, a MS will seek to exert control even if it is not warranted. It results in a type I error, also termed a false positive. In the second and third case, we observe the opposite i.e. no control is signalled even though it might have been desirable. This is a type II error, or a false negative. The overall effect of deriving capacity on signalling is thus determined by the distribution of cases across these three types. If the false negatives are more likely than the false positives, limited deriving capacity results in less control overall. I expect this to be the case for the following reason:

First of all, there are no a priori reasons to expect that the number of cases where limited deriving capacity results into an exaggeration of the gap (type 1) trumps the number of cases where said gap was underestimated (type 2). Following the assumption that each of these situations is equally likely, the third category –absence of knowledge about the existence of a potential gap–

determines the overall effect of deriving capacity on control. I believe this final category the most likely effect of limited deriving capacity. When the Commission gives the opportunity for MS to comment a policy proposal, it is up to the MS to identify the various issues at which the national position deviates from the proposal. Lack of technical expertise or limited input from societal groups is likely to limit the amount of issues that can be identified and thus the potential of signals to be emitted.

Whereas our expectations regarding an administration that scores low (high) on both dimensions of administrative capacity is relatively straightforward, one could raise questions regarding the possibility of asymmetric capacity. What if a MS sees but does not know? Or what if it knows, but cannot see? My *a priori* expectations are that the two particular situations are less probable to be observed empirically. Both monitoring and deriving are functions that are intrinsically linked within the national administrative network. In some Member States both tasks are even performed by the same staff members. In the remaining cases, where functions are clearly separated, it requires large bureaucratic hurdles to enable a divergent deriving and monitoring capacity. In other words, the information flow must be significantly constrained between the responsible units. In addition, central authority to address such shortcoming should be lacking or incapable at interfering.

In summary, I expect member states with higher administrative capacity (both monitoring and deriving) to signal the Commission more frequently, *ceteris paribus*.

3.3.2 Endogeneity

In studying the relation between administrative capacity and a member states' ability to exert control, a second question to be addressed is the issue of endogeneity. The need to apply control is related to the specific interests a member state seeks to defend. Going back to Figure 4, it is clear that, if the Commission's proposals are close to that of the member state, control is rarely required. Likewise, in the event that a member state expects other MS within the Council to defend a similar interest, they can free ride on other MS' actions without having to negotiate with the Commission itself. Hence, MS differ among one another with regards to the demand for control they experience.

Evidently, if such demand for control is relatively fixed and stable, it is not hard to imagine a Member State adjusting its administrative capacity correspondingly. Reversing the direction of causality, we might therefore argue that control determines administrative capacity. Formulated differently, the required administrative capacity is a function of the size of the MS economy and

the need for control. This problematizes the research design as any correlation uncovered between administrative capacity and the frequency of signalling can point in two opposing causal directions. In this case the problem of endogeneity arises due to an underlying latent factor driving both the dependent and the independent variable: the demand for control (King, Keohane, and Verba 1994, 189).

Even if the relationship between administrative capacity and control is affirmed, this should not necessarily lead to the conclusion that all principals should enhance their capacity. As mentioned in the previous chapter, the decision to delegate depends to a large extent on the balance between the aspired benefits on the one hand and the costs associated with monitoring the agent (agency costs) as well as the costs associated with the agent acting against the principal's interests (agency slippage) on the other hand. Increasing administrative capacity increases agency costs while constraining the potential of agency slippage. An expansion or reform of the administration is only useful insofar as the marginal benefit exceeds the marginal costs of such a reform. I expect the relation to go predominantly in the hypothesised direction though. The (in-)effective functioning of a public administration is determined by a range of factors. These can range from historical dependencies (Peters, Pierre, and King 2005), institutional frictions (McGuire 2011) to issues such as leadership. Among all such explanations, a rational cost-benefit analysis is but one. Moreover - at the risk of being branded as a rational-choice institutionalist- I assume it to be more likely that 'context determines conduct' (Hay 2002, 53) than that structure has been adjusted to suit the experienced needs of the agents. Therefore, should a correlation be found, I consider it to be an affirmation of the hypothesised causal relation.³⁰ Still, one has to be cautious when drawing lessons in case a firm relation were to be established between administrative capacity and control.

3.4 Mixed method research design

With the conceptual ambiguities surrounding the distinction between member states' administrative capacity and their ability to exert control having been clarified; the remaining steps to be taken concern the collection of data and its ensuing analysis. The following five chapters serve such a purpose.

Having a clear *a priori* hypothesis, I seek a confirmatory research design. With the purpose of testing this hypothesis a survey design will be used. However, the limited knowledge on the

³⁰ Nonetheless, to address the issue of endogeneity, I will include a measurement of the 'demand for control' in the analyses in Chapter 8.

decision-making process in the Member States warrants preparatory exploratory research to construct a sensible survey instrument. Similarly, with the aim of identifying the relevant policy arenas and most prevalent ways of signalling the Commission, a qualitative inquiry into how the MS actually interact with the Commission is no excessive luxury. The relative strengths of qualitative and quantitative research methods force me towards a sequential mixed methods research design (Bergman 2011). In the terminology of Morse & Niehaus (2009) the core of the research is quantitative and deductive, but it benefits from supplementary qualitative research. Whereas a large portion of the literature on mixed method research designs have applied a typological account (see e.g. Creswell, 2006), others have advocated against it, indicating it can constrain the wealth of possible research designs (Bergman 2011; Maxwell and Loomis 2003). I follow the latter and distinguish between three stages in my analysis.

Whereas the key concepts and their relation have been conceptualised in this chapter, obtaining good proxies to conduct the confirmatory analysis requires better knowledge on the subject. To this end, the empirical research starts with exploratory pilot studies to improve our understanding of both the context in which MS interact with the Commission as well as the manner in which national trade administrations formulate a position. The data thus obtained informs the development of a survey instrument that is both adequate and relevant given the context in which trade policy is being made. This approach will be applied both to the dependent and independent variable.

To obtain a more detailed understanding of how the Member States usually interact with the Commission, interviews were conducted with six respondents hailing from the various European institutions. The qualitative data enables me to supplement the traditional legal perspective with an administrative perspective, identifying various ways in which the MS can signal the Commission. It also facilitates a greater understanding of the peculiarity of the EU's external trade policy in comparison to the other components of the CCP. As such an *ex-post* legitimization of the choice to focus on external trade policy will be presented in **Chapter 4**. The qualitative insights together with insights from Negotiation theory as well as the 'adapted PA-framework' form the basis for the questionnaire that was distributed in a second stage. The respondents to this survey are the members of the different formations of the Trade Policy Committee (TPC). In

addition to elaborating the survey instrument, **Chapter 5** will also formulate and test a number of propositions based on the collected data.³¹

A similar approach is used to gather data on the independent variable. To obtain comparable measures of administrative capacity for the 28 Member States, I conducted 24 qualitative semi-structured interviews with trade officials (TO) in three MS (Belgium, Estonia and Spain). The selection of the case-countries, the topic list used and the information obtained from the interviews are discussed in **Chapter 6**. On the basis of this information, and supplemented by the literature on Comparative Public Administration, the chapter concludes with the development of a second survey instrument. As with the measurement of MS signalling behaviour, various propositions will be derived and tested in **Chapter 7**.

Once data on the dependent and independent variable has been collected, the testing of the main hypothesis can take place. This will be the focus of **Chapter 8**. Follow-up interviews have been used to help understand deviations from the expected results and derive alternative explanations or substantiate prior findings. These interviews have also been used to validate the quantitative data-set constructed on the basis of the survey-data.

³¹ To distinguish between the main hypothesis which pertains to the link between the dependent and independent variable and the hypotheses formulated with respect to either the dependent or the independent variable, I will use the notion of a proposition to signify the latter.

CHAPTER 4:

MEMBER STATE REPRESENTATION IN THE EU'S TRADE POLICY

Before constructing the survey to measure the dependent variable, it is appropriate to obtain an elaborate view on how the member states are involved in the policy making process. The starting point of this discussion is the legal framework that determines the setting within which such interaction takes place. The general decision-making process for external trade negotiations was already introduced briefly in the discussion of the PA-model. However, it is helpful to elaborate what the MS have actually delegated to the European Union; at which stages of the policy process they can influence the Commission and when or how European and national parliaments are involved. This will be the subject of the first section.

How policy is determined *de iure* often differs from the *de facto* process. Older empirical work on the EU's external trade policy has occasionally shed light on these differences (Johnson 1998; Murphy 2000; Niemann 2004). Unfortunately, much of this research was conducted at a time when the Lisbon Treaty was not yet into force³², or even before the Eastern enlargement took place.³³ Moreover, as fieldwork is often tailored to address particular research questions the documented research is often suboptimal for the envisioned research goals. A qualitative inquiry was therefore considered both timely and appropriate. A second, more pragmatic, reason to conduct interviews is to obtain first-hand information rather than relying on my interpretation of other scholars' research.

As discussed in the first chapters, the member states exert control largely through their participation in the Council of Ministers. Seeing that much of the preparation take place in many of the Council working parties, interviews were used to inquire into the role and influence of these working parties. Who represents the MS in these meetings and how are the various working

³² Instead scholars have mainly documented the legal changes induced by the Lisbon treaty from which expectations were developed regarding its impact on political dynamics and their resulting outcome (Bungenberg 2010; Woolcock 2010). Empirical research –understandably- is still limited at this point.

³³ A notable exception is Manfred Elsig's account of post-Lisbon interaction between member states and Commission (Elsig 2010). His findings suggest an increase of informal decision-making due to the enlarged Council.

parties related to one another? During the interviews it also became apparent that MS have additional forums to influence the Commission in its external trade policy. While not aspiring to be exhaustive, I will expand on the Informal Technical Meetings organised by the European Commission and the rotating Council Presidency as supplementary channels of influence over the Commission. A third sub-section will be devoted to European Parliament. While the focus of this dissertation is solely on the Member States, omitting the European Parliament from this discussion would do injustice to their growing role in the EU's CCP. A conclusion sums up the main findings and draws lessons for the development of the ensuing survey.

4.1 The legal framework

The Common Commercial Policy (CCP) is an exclusive competency of the European Union (Art. 3(1e) Treaty on the Functioning of the European Union (TFEU)). This implies that only the Union may legislate and adopt legally binding acts (Art. 2 TFEU). Further specifications on **the scope** and **arrangements** for exercising this competency are laid out in Art.207 and Art. 218 of the TFEU. Since the Lisbon treaty, the scope of the exclusive competencies of the EU has expanded from trade in goods to encompass trade in services, investment and trade related intellectual property rights (Art. 207(1) TFEU). Member states still retain authority on services trade for three particular issues:

1. "trade in cultural and audiovisual services, where these agreements risk prejudicing the Union's cultural and linguistic diversity" (Art. 207(4a) TFEU),
2. "trade in social, education and health services, where these agreements risk seriously disturbing the national organisation of such services and prejudicing the responsibility of Member States to deliver them" (Art. 207(4)bTFEU) and
3. "The negotiation and conclusion of international agreements in the field of transport" (Art. 207(5)TFEU)

The existence of these exceptions grants scope for mixed competencies in the CCP. This has two consequences: firstly, regulations or negotiations that touch upon issues that fall under Member States' authority are not approved by qualified majority but need to be taken by Common Accord. The latter is an enforced vote through unanimity. Secondly, it also implies that the Member States' parliaments need to ratify the resulting legislation in addition to the Council and the EP.

The provisions to exercise the Union's competency vary according to the type of policy instrument. There are basically **three different procedures** through which the EU governs its

trade policy. In general, the CCP is subject to the Ordinary Legislative Procedure (Art. 207(2) TFEU). This procedure applies to topics generally classified as “autonomous trade policy” and will be discussed in the first subsection. However, much trade decisions originate through international negotiations either multilateral in the WTO, bilateral or pluri-lateral. In a negotiation a decision needs to be made regarding the institution or country negotiating on behalf of the Member States. The process of delegation and the ensuing negotiation is governed according to Art. 207 (3-5) and Art. 218 TFEU and will be explained in the second sub-section. Finally, for the execution of a number of trade policy decisions that do not require drastic changes to the existing legislation, competencies can be delegated to the Commission. The use of delegated and implementing acts (Art. 290 & 291 TFEU) in matters of trade pertains mostly to the use of trade defence instruments. While interesting in its own right, it lies outside the scope of this dissertation.³⁴

4.1.1 Autonomous Trade Policy

One of the major innovations of the Lisbon treaty with respect to trade policy was the application of the Ordinary Legislative Procedure (OLP) to the CCP. Legislation that needs to be approved according to the OLP is drafted by the Commission, after which European Parliament and Council engage in an iterative process of amending the proposal. The European Parliament is the first to propose amendments. Each party, in turn, can decide to accept the proposed amendments, suggest alternative ones or reject the proposal altogether. In case Council and Parliament do not reach agreement after two rounds (readings), a conciliation procedure is started to facilitate the conclusion of an agreement (Art. 294 TFEU).³⁵ Before the TFEU was implemented, European Parliament was only ‘consulted’ on these issues.

The OLP applies to all decisions the EU can take autonomously without another country’s approval. It concerns amongst others, the Union’s system of unilateral preferences towards the least developed countries. But also alterations to the internal decision-making framework for matters of the CCP are approved through the OLP. Examples thereof include the “modernisation” of trade defence instruments (anti-dumping and safeguard mechanisms) or the Omnibus regulations. To ensure that all secondary trade legislation is conform the new system of

³⁴ For a good overview of the factors that shaped the transformation of the EU’s secondary legislation see Héritier, Moury, Bischof, & Bergström (2013) and (Brandsma and Blom-Hansen 2012). For more on the political economy of the EU’s attempt to reform anti-dumping policy between 2006 and 2008, see De Bièvre & Eckhardt (2011)

³⁵ In practice, the responsible working party and the parliamentary committee often convene in trilogue meetings to reach an early agreement (Farrell and Héritier 2004).

delegated and implementing acts, the Commission drafted the Omnibus I and Omnibus II legislative proposals. The former sought to bring all regulations that previously fell outside the comitology system within the new structure of delegating and implementing acts whereas the latter sought to realign existing legislation under comitology with the new system. As the EU can decide on these issues independently from other countries, the topics subject to the Ordinary Legislative Procedure have been classified as “autonomous trade policy” (Woolcock 2012, 51). It is interesting to note that decisions on the bilateral safeguard clauses within international trade agreements are also decided according to the OLP.³⁶ Because it concerns the internal processes determining the conditions by which such safeguards can be applied, it does not require international agreement and is, therefore, subject to the OLP.

In light of the broader research goals it is important to highlight that, for legislation approved according to the OLP; it is near-impossible to fully assess MS’ influence without factoring in both the preferences of the European Commission and European Parliament. In such a situation, concessions to be obtained from the Commission are not only conditional on the position of the other member states in the Council, but also the majority of MEPs. This complicates the study of Member States’ activity and influence in the CCP and was one of the factors that led to my decisions to focus exclusively on external trade negotiations.

4.1.2 International Negotiations

Not all trade policy is determined at home. Changes to the EU’s CCP are often the result of bilateral and multilateral negotiations. In international negotiations the EU needs to speak with a single voice. By consequence a second delegation is required that allows the Commission to negotiate on behalf of the 28 member states as represented in the Council (Meunier 2003, 78). Art. 218 TFEU elaborates the relation between Commission and MS in international negotiations.

Approval to open negotiations occurs through the adoption of a negotiation mandate. The mandate stipulates the scope, ambitions and boundaries of the negotiations. This mandate is drafted by the Commission and tabled for discussion in the Council (Art. 207(3) & Art.218 (2) TFEU). Once the Council adopts a mandate, the Commission can start the negotiations. The European Parliament plays no formal role in the decision on the mandate. Instead, it often adopts a resolution prior to the negotiations to indicate their preferences early onwards. This occurred in

³⁶ A safeguard clause enables a partner to the trade agreement to temporarily halt the liberalization of specific products in case the imports have increased so drastically that it threatens the domestic industry’s survival.

advance of the EU negotiations with Japan (European Parliament, 2012) as well as the TTIP negotiations (European Parliament, 2013). The Commission negotiates while consulting a special committee appointed by the Council i.e. Trade Policy Committee (TPC). The Commission also reports regularly to the TPC and the European Parliament on the progress of negotiations (Art. 207 (3)). This latter requirement is reinforced by Art. 218 (10) as it stipulates that the Parliament has to be: *“fully and immediately informed during all stages of the negotiations”*. Whereas the Commission consults the TPC, it merely informs the European Parliament, suggesting a different status of both legislative institutions (Woolcock 2010, 12). The importance of the TPC is also confirmed in the provisions of art. 207 (3) that stipulates that the TPC *“assists the Commission in its task”* (emphasis added) acknowledging the expertise embedded in member states’ trade administrations.

Once the negotiations approach completion, the Commission forwards the agreement to the Council which can decide to conclude the agreement after the EP has given its consent (Art. 218 (6) TFEU). Both the opening and conclusion of negotiations are normally decided by qualified majority insofar as the agreement falls under the Union’s exclusive competency (Art. 207(4) & Art. 218(8) TFEU). Whereas the Council can adopt negotiating directives and has ample opportunities to voice its concerns through continuous interaction with the TPC, the EP’s consent implies accepting or rejecting the complete agreement. This does not necessarily mean they have little influence. As mentioned above, the bilateral safeguard clauses incorporated in FTA’s are adopted according to the OLP. The EP made sure no consent would be given if its demands regarding the EU-Korea safeguard clause would not be accepted. That a number of amendments suggested by the EP affected the broader agreement, may add credence to the EP’s growing influence over the content of trade agreements (Richardson 2012, 18–20).

As many of the new and comprehensive trade agreements encompass a wide array of topics, it can occur that certain provisions fall under member states’ authority. For such mixed agreements, a slight adaptation in the procedure is required (Art. 207 (5) & Art. 218 (8) TFEU). In such a case, the mandate can only be adopted by Common Accord. Common Accord is a reinforced unanimity rule stipulating that member states cannot abstain in a vote. The question whether the TTIP mandate impinged on member states’ competency and therefore be approved through Common Accord fuelled discussions leading up to the Foreign Affairs Council (FAC) Trade of 14 June, 2013 (Inside US Trade, 13 June, 2013). But also the eventual ratification of mixed agreements is more complex. As they cover both Union and national competency, they still require approval by the member states’ parliaments. Even if ratification is mostly just rubber-stamping, this

procedure can seriously delay the implementation of the trade agreement. For that reason, the Commission has developed a custom to simultaneously adopt provisional trade agreements which can be implemented directly. These provisional agreements are stripped down versions of the complete agreement to cover only those matters belonging to the union's exclusive competencies. On a proposal of the Commission, the Council can decide to provisionally apply an agreement before its entry into force according to Art. 218(5) TFEU.

4.2 Exploring MS interaction with the Commission

What is established *de iure* is not always as representative of how European institutions interact among each other *de facto*. To supplement the legal framework, more practical insights are required. In total, eight in-depth interviews were conducted with trade officials in the Council secretariat, the Commission, the member states and the rotating Presidency with the ulterior motive of obtaining a better understanding of the interaction between MS and Commission. Knowing how the MS -as represented within the Council- interact with the Commission is of great importance when studying the Member States in European trade policy. But also outside the council (committee) structure there are other channels in the policy-making system through which a member state can defend their national interests. In the second sub-section, I will focus on two such venues i.e. the Informal Technical Meetings organised by the European Commission and the rotating Presidency of the Council.

4.2.1 Participating in the Council

By treaty, MS' legal authority is intrinsically bound to that of the Council of Ministers. Before the Lisbon treaty, trade policy decisions were part of the broad agenda of the General Affairs and External Relations Council. Since the TFEU entered into force, the renamed **Foreign Affairs Council (FAC)** deals with all issues of the EU's foreign affairs. It meets twice a year to focus solely on matters of trade.³⁷ Prior to the implementation of the Lisbon treaty, it could occur that final decisions on matters of trade were taken by the Minister of Foreign Affairs or the Prime Minister of a MS, despite such competency belonging to a different minister. This could occasionally create tensions between the ministry of foreign affairs and the ministry of economy in a number of

³⁷ In April 2013, the Irish presidency also convened the first informal FAC Trade to meet with the ministers a first time in an informal setting. From the side of the presidency, the aim was to prepare and facilitate discussions on the ratification of a mandate for the Commission to negotiate a trade agreement with the United States. This ratification eventually took place a few months later in the formal FAC Trade (Interview, TO#22, #25, and #27). In the past, the MS' ministers of trade also convened informally in preparation of the GATT negotiation rounds (Johnson 1998, 18).

member states. In the current FAC Trade, the economic ministries are strongly represented. During the approval of the TTIP mandate, fourteen member states were represented by a representative from an economic ministry (industry or economy) whereas only seven hailed from other ministries (mostly Foreign Affairs) the remaining six MS were represented by their Permanent Representation (Council, 2013: pp 4-5).³⁸ Notwithstanding the existence of a formal FAC Trade, it does occur regularly that trade decisions are approved in different council configurations. This is possible because all formations of the Council of Ministers are one and the same emanation of the legal entity that is the Council. Adoption of trade legislation by other formations than the FAC Trade generally occurs for those issues where agreement had already been reached in the Council working parties (see infra).

Strictly speaking, all authority lies within the Council of Ministers. Most decisions are, nevertheless, prepared or even taken at a more bureaucratic level. Before tabling a proposal for legislation to the Council, it has been discussed and prepared by different **Council Working Parties**. Involvement in the working party stages is important especially for international negotiations. In these cases, the briefings provided by the Commission in the working parties are the main source of information for the Member States. There are two working parties that are important for trade policy issues. These are the Trade Policy Committee (TPC) as established in article 207 of the TFEU (see supra) and the Working Party on Trade Questions (WPTQ).

Within the TPC, discussions take place on international trade negotiations. From the determination of the mandate, over the discussion of particular proposals to the eventual ratification of the agreement: all issues pertaining to trade negotiations are covered within the TPC. The Trade Policy Committee meets in Full Members (titulaire) each month in Brussels as well as with the start of a new presidency of the Council. In addition to the Full Members formation, the committee also convenes at the deputy-level on a weekly basis (suppléant). The difference between both formations is mostly one of authority. The TPC Full Members is attended by directors-general on the part of the Commission and senior officials of equivalent level from within the member states. This distinction also manifests itself with regards to the issues tabled for discussion in the different TPC formations. Topics addressed in Full Members tend to be politicised and selective whereas discussions in TPC Deputies are more in-depth and comprehensive. The exclusive focus of the Full Members on the political issues is reflected in the

³⁸ In the coding, I classified ministers or state secretaries of trade policy according the ministry of which they are a part or on which they rely for the preparation of a policy position.

frequency and duration of the meetings. A deputy meeting lasts about a full day each week whereas a meeting of the Full members occurs only once a month, and lasts only half a day (Interview, TO#25).

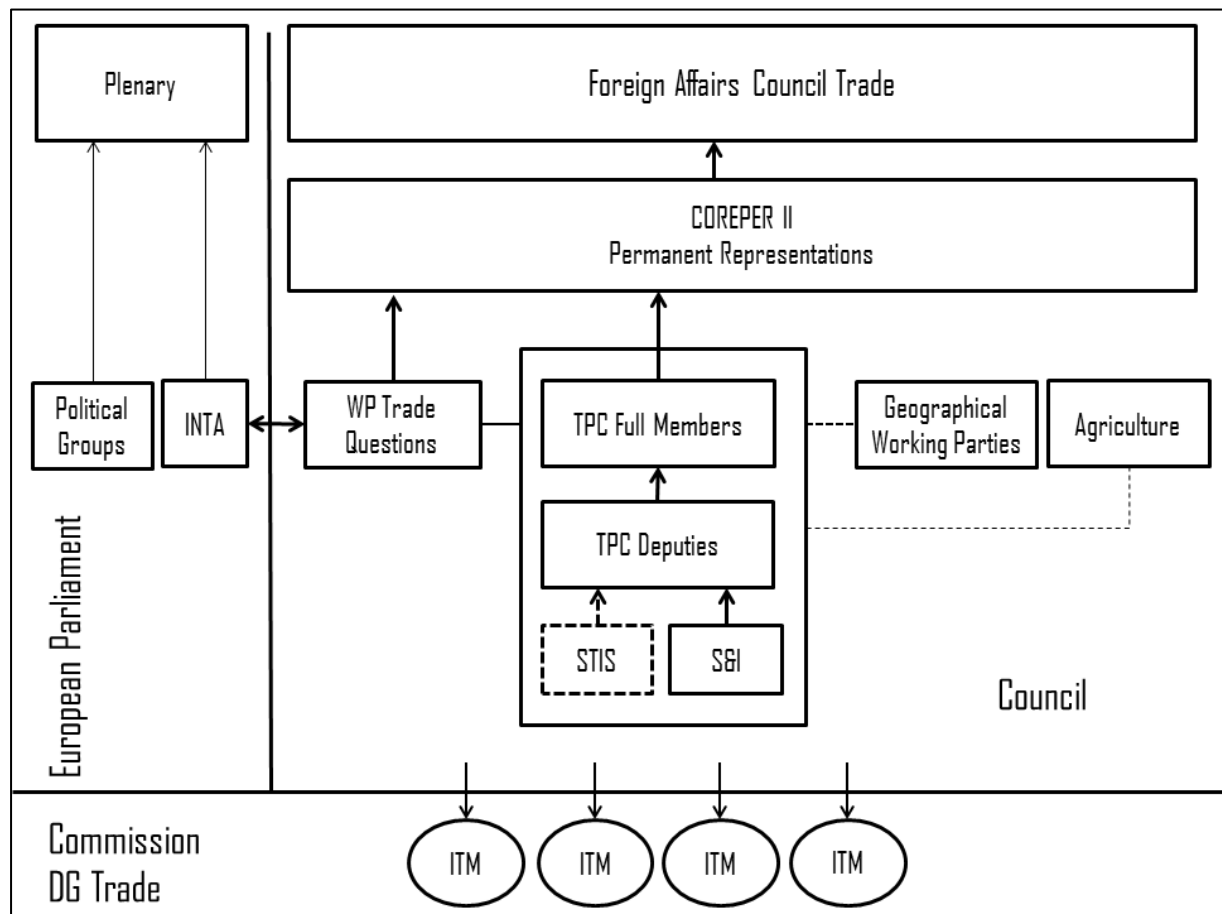
In a number of smaller member states, the Full Member is also in charge of representing the country in multiple other (high-level) working parties, making him/her less specialized in trade topics and highly dependent on input from the deputy (Interview, TO #28). This observation was also confirmed when distributing the developed survey (see Chapter 5). Upon replying to my invitation, multiple Full Members declined to participate and suggested I had better contacted the Deputy member as “he/she was more knowledgeable on the subject”. This, however, does not imply all issues are previously discussed in the TPC deputies. In some occasions it can occur that an initial discussion in deputies reveals that further discussions should exclusively take place at the level of full members. This was the case for the provision of a mandate to negotiate a free trade agreement with the United States. Similarly the mandate for the trade negotiations with Japan was only discussed briefly at the deputy-level but most decisions took place at TPC full members (Interview, TO#25). Internal coordination between the different TPC representatives is therefore quite important.

The TPC also has three spin-off formations: TPC STIS (Steel, Textiles and other Industrial Supplies), TPC Mutual Recognition and TPC Services and Investment (S&I). TPC STIS originated through the merger of TPC Steel and TPC Textiles. As the name indicates, this meeting largely deals with trade in industrial goods and textiles. However, this particular expert meeting is fading out of existence. Meetings occur less and less frequently, and a number of MS have decided –as a matter of principle- not to attend these meetings any more. The TPC Mutual Recognition deals with technical product standards. This formation exists on paper only, does not convene and is part of the responsibility of DG Enterprise and Industry (Interview, TO#32; Commission 2004). The only remaining, important spin-off formation is the TPC S&I which is quite active and convenes every two weeks. Topics addressed during these meetings pertain to trade in services and foreign investment. The discussions often pertain to technical details and relatively new, complex matters that fall outside the scope of the TPC Deputies. Its agenda has increased drastically over the last years due to the widening and deepening of the trade agenda. To address these developments, meetings have recently been extended to last a full day. By organising a morning and afternoon session, MS with dual representatives (one for services and one for investment) can participate in the discussions of their respective field of expertise

(Interview, TO#29). The rising importance of TPC S&I to the detriment of TPC STIS reflects the broader economic trends within the Union.

In addition to the TPC, there is another working party where trade issues are discussed in the Council. The Working Party on Trade Questions (WPTQ) is almost as old as the TPC, and deals with the general policy framework for the CCP. Its importance severely waned in the nineties (Johnson 1998, 19). Nevertheless, following the implementation of the TFEU, the WPTQ has regained its prominence as it became the central working party to discuss all issues falling under the OLP (Interview, TO#25; 26). By consequence interaction between MS and European Parliament is largely confined to this WP rather than the TPC.

Figure 5: Institutions for EU decision-making on the CCP



Besides the TPC and WPTQ, there are a whole range of Working Parties that only deal with very specific trade issues or only do so occasionally. The working party on the GSP is an example of the former and still convenes when GSP reform needs to be discussed. The various geographical working parties are an example of the latter. More specifically, a trade agreement with the US has an important foreign policy dimension. For that reason, the Working Party focusing on Trans-

Atlantic relations (COTRA) is also briefed on developments regarding TTIP. Briefings to such geographical working parties do not dwell on particular details and are generally devoid of in-depth discussions. From the side of the Commission, there is also an explicit preference to contain all discussions on trade within the TPC. In the event that a geographical working party places a trade topic on the agenda, DG trade will go to the meeting and explain their position (Interview, TO#25). A similar logic applies to the discussion of sectorial issues such as the liberalization of trade in agricultural produce. While the Special Committee on Agriculture can discuss such issues, it is in the TPC that MS needs to voice their concerns with regards to specific provisions in a piece of trade legislation. By consequence it is up to the Member States to coordinate internally with the agricultural ministries to ensure their interests can be defended in the TPC meetings.

If no agreement can be reached in the working parties, the issue will be tabled for discussion at a senior political level. In first instance, this will be the Committee of Permanent Representations (COREPER), if no agreement can be reached at this level; the responsible Ministers try to solve the issue in the FAC Trade. Formally, the FAC's approval is required for many issues but real discussions are a lot less frequent at the ministerial level. If agreement can be obtained within the council working parties it will be rubber-stamped in the FAC as a so-called 'A-list item'. If debate is required in COREPER or the Council of Ministers, it is placed on the agenda as a 'B-item'. Scholars' estimation of the percentage of decisions taken by bureaucrats in the working parties (A-items) vary widely and range from 26 to 90% (Häge 2012; Hayes-Renshaw and Wallace 1997, 2006). The involvement of bureaucrats differs across policy domains. Unfortunately, no concrete data is available to map the extent that trade policy issues are decided at the Working Party level. Several respondents indicated, however, that the large majority of decisions are taken within the various formations of the Trade Policy Committee (TPC) and that it is rare for a trade issue to reach the agenda of the COREPER or the Foreign Affairs Council (Interview, TO#22/25/28).³⁹ One recent exception was the launch of the TTIP negotiation, where even the French President got involved. This, however, is quite rare and again, reflects only one issue in a much broader discussion.

³⁹ Nonetheless, one respondent indicated that this is starting to change somewhat due to the existence of a recurrent convening FAC Trade (Interview, TO#22). Knowing that every six months there will be a forum where your political seniors can take a decision; eases of the pressure to come to a consensus within the TPC. More research is required to assess whether this trend is really occurring and what the real underlying causes might be.

4.2.2 Alternative paths to influence

Whereas the MS are formally represented within the Council, alternative forums are useful to advance ones interests. I will limit the discussion to two such forums i.e. the Council's presidency and the Informal Technical Meetings (ITM) as organised by the European Commission.

The Presidency

The FAC Trade is the sole constellation of the Foreign Affairs Council that is presided by the rotating presidency and not by the European External Action Service. By consequence, a MS can still take advantage of this opportunity to set the (long-term) agenda. In discussing the agenda-setting power of the rotating presidency, it is useful to distinguish between the strategic and the operational agenda. Each presidency has the possibility to set a particular goal it wishes to accomplish during its term. DG Trade has a range of long term agenda items and discusses well in advance with the presidency which goals are attainable. The Irish presidency for example eyed the adoption of a mandate to open the TTIP negotiations, for the Lithuanian presidency it was the finalization of the eastern partnership agreements with Ukraine, Moldova and Georgia (Interview, TO#27).⁴⁰ These priorities are often determined several years in advance. The Commission adjusts the pace of negotiations accordingly and seeks to ensure that – if all goes well- a result can be obtained by the final FAC trade. As the presidency, a MS can also set the agenda for the TPC meetings: this is the operational agenda-setting power. These agendas are generally drafted by the coordination unit in DG Trade after internal discussion. As it is the Commission that needs to brief the MS, it is logical in a sense that they indicate on which dossiers they can report new developments. The Presidency can then amend it (or ask for amendments) before circulating it to the other Member States.

The existence of a separate formation of the FAC to deal exclusively with trade issues and it being chaired by the rotating presidency facilitates trade policy-making in a number of ways. First of all, it grants higher visibility to the domain of trade policy. The photo-opportunity for the presidency when launching or finalizing negotiations, rather than having a different minister (or the EU's high representative) claim the credit provides additional stimulus to the decision-making process. Moreover, each presidency is aware of the two occasions at which a trade issue can be discussed at the highest political level. This stimulates a strict time-management and the

⁴⁰ Ireland held the presidency of the Council from January to June 2013. Lithuania succeeded Ireland and held the presidency from July 2013 until December 2013.

determination of clear priorities to realise particular trade deals. The shared responsibility over the trade agenda by Council presidency and Commission fosters stronger goal consensus. Finally, there is the observation that – when only trade ministers convene- it becomes possible to clear out controversies at the last minute. Respondents indicated that this was not always possible before the Lisbon Treaty (Interview, TO#22/25). Hence, the Presidency provides MS with an opportunity to set the agenda, and thus shift attention towards those issues of the CCP it considers most pressing.

Informal contacts with the European Commission

Opportunities to defend a MS' interests are not limited to the meetings taking place within the confines of the Council. Much interaction takes place on a continuous, daily basis between the MS' administrations and Commission officials. Such contacts involve circulating draft proposals and soliciting MS input on particular issues. This occurs mostly through bilateral correspondence over e-mail (Interview, TO#25/32). The Commission makes active use of the MS expertise to improve its policy. Providing detailed input in response to such requests can increase a MS influence in the eventual proposal defended by the European Commission.

But contacts are not limited to bilateral correspondence. The Commission increasingly organises so-called "Informal Technical Meetings" (ITM). Formerly, these were called the expert meetings (see also Johnson, 1998) but as this concept is now commonly applied in the framework of the delegated acts, they changed its name to avoid confusion. The ITMs deal with the nitty-gritty of negotiations such as rules of origin, the development of the tariff schedules offered in trade negotiations or discussions on intellectual property rights. On average, there are between two and five such meetings each month. When the agenda for the TPC meetings become overburdened, more and more details of the trade agreement need to be discussed in separate meetings. What sets these meetings apart from the TPC is that they are not organised within the committee structure of the Council. It is the Commission that has full discretion on deciding when or for which topics it is appropriate to convene a technical meeting. Its ownership over the agenda holds the potential for frictions between the rotating presidency and the Commission as the former is normally in charge of the agenda in the TPC.

The targeted participants at these ITMs are bureaucrats from the member states' ministries specialised in that particular area. By consequence, the representatives can change each meeting. Unfortunately, not all MS are in a position to fly over a national expert. In addition, the lack of translation facilities or travel reimbursements can also constrain MS participation (Interview,

TO#32). For such MS, people from the Permanent Representation often take part in both the TPC as well as the various ITM's (Interview, TO#28). Finally, there are also member states who do not attend (particular) ITM's altogether. Attendance as well as the expertise brought to such a meeting is likely to determine whether a MS can successfully defend its interests in a trade negotiation.

Finally, the informal nature of these meetings is also reflected in a lack of attendance lists or written meeting reports. This is important for two reasons: on the one hand it enables the Commission to discuss potentially sensitive issues without having it written down in the reports; on the other hand the lack of such reports makes it crucial for member states to attend the meeting whilst they not miss out on the provided information (Interview, TO#24).

4.2.3. Lest we forget the European Parliament

Up until now, not much attention has been given to the role of the European Parliament (EP). Clearly, the focus in my research is on the MS. Nevertheless, from the earlier discussion of the legal framework, it became clear that legislative authority –also in external negotiations- is shared between Council and EP. Discussions between the Commission and European Parliament occur in the INTA committee. Since Lisbon, every document that goes to the Member States should also go to the INTA committee. There is – in other words- full transparency. 'Limited' documents are shared with all INTA members, 'EU-restricted' documents are only made available to the president and vice-presidents of the committee, the rapporteur and the coordinators of the political groups. Other committees and MEPs can also request access to such documents but this has to proceed via INTA to DG Trade (Interview, TO#25/26).

Since the Lisbon Treaty went into force, European Parliament has gained additional powers (Woolcock 2010). Still, from a legal perspective, the Council has additional means of control the EP lacks (e.g. in the provision and adjustment of the mandate or provisional application of a trade agreement) However, recent experiences have taught us that much of this imbalance has been rectified *de facto*. While formally not providing a mandate, the EP adopts a resolution prior to the negotiation laying down their own 'red lines' that the Commission better not cross (see supra). And whereas, the Commission could ask the Council for the provisional application of a concluded FTA, the EP has made it clear during the ratification of EU and South-Korea FTA, that it would not agree to an agreement that was already provisionally being applied (Richardson 2012). Hence, the European Parliament is increasingly leveraging its legislative powers to obtain influence beyond the treaty provisions.

Despite this growth in importance, there are still significant differences between the Council's and the EP's influence in external trade negotiations. For international trade negotiations, briefings also occur through the INTA committee. These briefings occur less frequently and are generally shorter. Whereas the TPC deputies meet weekly for almost a full day, the European Parliament is briefed once a month over a day and a half. The Commission also organises technical meetings for European Parliament, but these are more aimed at explaining new developments in trade policy and their economic consequences. In sum, there is a clear difference between the bureaucratic decision-making within the Council preparatory bodies and the 'reporting' to the EP (interview, TO#25). This confirms earlier observations by Arne Niemann, when studying the regulation of trade in services (Niemann 2004). Without downplaying the role of the European Parliament –it has become a relevant and vocal player since the TFEU – their input into the policy-process should not be overstated. Even if the INTA committee is briefed in a similar fashion as the TPC, its contribution to policy outcomes both in terms of information and technical expertise is of a different order of magnitude than that of the member states.

Unlike legislation subject to the OLP, direct interaction between TPC and INTA is extremely rare. In theory, Member States could obtain leverage over the Commission through influencing the European Parliament. While feasible, this path appeared to be less relevant for the member states. Several respondents indicated that interaction between Member States and MEPs remained limited (TO # 22, #26, and #30). Unlike decisions subject to the OLP, there is no clear forum where the TPC interacts with the EP's parliamentary committees. By consequence, studying member states' influence over the Commission independently from the involvement of European Parliament will not weaken the developed research design.

Conclusions

Three important lessons can be drawn from these observations for the study of member state control over European trade policy. First of all, the **trade-policy making process is a bureaucratic** rather than a political endeavour. The tendency to organise more (informal) technical meetings to flesh out the nitty-gritty of trade issues as well as the limited amount of issues that go all the way up to the FAC Trade; both suggest a strong influence of national bureaucrats over the ultimate outcome. This contrasts the recurrent focus on the more politicised issues and suggests additional insights can be obtained from applying an administrative lens to the topic.

From this exploratory research it has also become clear that the **Member states interact continuously** with the Commission during trade negotiations. While a large portion of this

interaction takes place in the weekly meetings of the TPC Deputies, informal contacts are the rule rather than the exception. Moreover, expert groups as well as informal meetings are convened that enable MS to defend their interests in the more detailed, technical aspects of the trade agreement. Limiting one's focus to the formal occasions for control such as the adoption of the mandate or the debates on the ratification would therefore do injustice to the frequent opportunities MS enjoy to exert control throughout the negotiating process.

And a final lesson to be drawn pertains to the **effects of the Lisbon treaty**. Whereas the Lisbon treaty was expected to further the integration of the CCP into the EU's external policy, based on the separate FAC Trade and the role the rotating presidency plays therein, we have –as of yet- no clear indications of this theoretical expectation crystalizing empirically. Rather the contrary. On the other hand, the European Parliament has indeed increased its role conform earlier anticipations. Nevertheless, even in light of this growing importance in international trade negotiations, I still feel the exclusive focus on the member states is warranted due to the relative isolation of MS and European Parliament throughout the negotiations.

CHAPTER 5:

SIGNALLING CONTROL

How can we measure the extent by which a MS exerts control over the Commission? As indicated in the opening literature review, insights from Negotiation theory are particularly helpful in conducting a comparative study of MS involvement in the EU's external trade negotiations. This literature has greatly increased our knowledge on the large variety of instruments a MS can wield to defend its interests. After surveying this rich tradition, a more modest approach will be proposed for the operationalization of my dependent variable. Rather than focusing on the choice and application of various tactics -the content of a signal- I will advocate an emphasis on the mere incidence of signalling. There are two dimensions of such signals that are of particular concern when taking the developed theoretical framework into account and that enable me to contribute to the wider literature.

A first aspect concerns the targets of the emitted signals. Member states can either seek to obtain concessions by signalling the Commission directly or coordinate with the other MS to construct broader support for their position. Recall from Chapter 2, that we can conceive the member states as being part of a hybrid principal. This is the result of the qualified majority voting procedures applicable for ratification of an international trade agreement. On the one hand a collective action by the member states is required to form a blocking minority; while on the other hand, each MS' individual signals carry substantial weight as a blocking minority is easily construed. Giving the limited voting power of the smaller MS, we can formulate the proposition that smaller member states have a higher tendency to apply a collective strategy as their bilateral signals lack the credibility of being a viable threat.

A second contribution of this research to the broader literature consists of providing a detailed inquiry into the stage of the negotiations at which MS actively signal the Commission their preferences. The focus on international trade negotiations allows a clear demarcation of the various stages of the policy-making process. An additional two propositions are thus formulated and tested. The second proposition is derived from the idea that signalling is an iterative process. By consequence, we would expect that early stage involvement should result in more signalling rather than less. The third proposition exploits the requirement of a collective decision from the

Council in the approval of the mandate and the ratification of the agreement. More specifically, the proposition asserts that member states' that are more active during the formal stages of the negotiation have a greater tendency to resort to collective strategies.

The chapter is structured as follows. The first section situates the proposed approach in the wider literature, introduces the different components of the survey and develops the main propositions to be tested. The second section elaborates the method of data-collection, discusses the responses obtained and verifies whether the data has the necessary internal validity to test the propositions. The third section seeks to do exactly that: test the formulated propositions after presenting the most important descriptive statistics. Where the results raised concerns, additional interviews were conducted to explore potential explanations. The key findings are summarised in the concluding section.

5.1 Signalling strategies

Negotiating strategies by the Member States in the Council have been studied increasingly over the last decades as the availability of cases and the quality of data gradually improved. To structure the various ways through which a Member State can defend its interests, "International Negotiation" scholars have developed various classifications (Dür, Mateo, and Thomas 2010; Elgström and Jönsson 2000; Naurin 2009; Riddervold 2011). Daniel Naurin provided a concise framework to distinguish between four strategies based on the dual distinction between arguing and bargaining on the one hand and competitive and cooperative behaviour on the other hand (Naurin 2009, 36–38). Let us first focus on arguing. Arguing can occur in either of two forms: deliberation or rhetorical action. The distinction arises from the cooperative or competitive nature of the interaction between MS and Commission. In the former, Member State and Commission aim to reach a deeper understanding on a particular problem and its potential remedies. In the latter, a Member State tries to persuade the Commission into adjusting its views in accordance to the MS preferences. When resorting to rhetorical action a MS seeks to defend its own interests and is less open for counter-arguments. This can occur for example by highlighting domestic constraints or framing domestic concerns into EU interests. Deliberation by contrast builds upon the ability of a member state to provide answers to complex puzzles others (including the Commission) have not been able to solve convincingly. Here, technical expertise or legal capacity can enable a member state to punch above its weight (Börzel 2002; Haverland and Liefferink 2012; Tallberg 2008). Deliberation differs from the notion of communicative action in that the latter particularly focuses on 'non-strategic' modes of interactions (Niemann 2004, 384).

While arguing focuses on changing each other's preferences, bargaining takes such interests as a given and seeks to advance one's interests by constructing compromises, engaging in log-rolling and issue-linkage or voicing threats. Many scholars have introduced various categories to structure the myriad of ways through which bargaining occurs. Naurin (2009) distinguishes cooperative from competitive bargaining. This largely reframes an earlier distinction differentiating between integrative and distributive bargaining (Walton and McKersie 1991). Integrative -or cooperative- bargaining makes appeal to the greater good and seeks to enhance the size of the pie (value-creating) whereas distributive -or competitive- bargaining is aimed at increasing one's slice (value-claiming).

5.1.1 From negotiating strategies to signalling tactics

Whereas each of these classifications has greatly improved our insights into the negotiation tactics within the Council, I consider them less adequate for the research question I seek to address in this dissertation. The above categorisations produces problems as 'the observable tactics do not neatly map onto the posited dimensions' (Dür and Mateo 2010b, 682). Rare are the cases where we can discern pure acts of arguing and bargaining. In most cases a MS will provide an argument even when bargaining.⁴¹ Likewise, classifying observable strategies like voicing a threat or a suggesting a compromise can be both value-claiming and value-creating at the same time. It is for these reasons that Andreas Dür and Gemma Mateo (2010b) suggested the use of soft and hard bargaining strategies as alternative concepts. Soft bargaining is characterised by co-operative or friendly behaviour whereas hard bargaining strategies relate to conflicting or aggressive tactics. Based on this distinction they were able to formulate a number of actions –or tactics- that can unambiguously be interpreted both by respondents and researchers.

Sharing the same concern, a proper operationalization will be derived from my theoretical framework. The causal model developed in Chapter 3 only pertains to the incidence of signalling rather than the content of the message sent. Recall, that the observed gap between the Commission's proposals and the MS' preference was responsible for triggering the release of a signal as instrument of control. Keeping a narrow focus on the incidence of signalling rather than its content can also heighten reliability. Inquiring into a representative's contacts with Commission or colleagues within the Council is relatively straightforward. This is not the case when making a distinction in the content of the different messages sent. The harder it becomes to

⁴¹ This was also acknowledged by Daniel Naurin, as he had to elaborate a scheme to distinguish bargaining from arguing through a three-step question procedure (Naurin, 2009: 42).

make a meaningful distinction between the various instruments defined, the less likely the respondent's answers will be accurate. Seeing that such complexity is unnecessary to address the main research questions of this research, the more parsimonious conceptualization is preferred. Signalling approaches are not entirely new within Negotiation Theory, even though they are not always classified as such. In studying the number of interventions made by the Member States during the different council working parties or within COREPER, James Cross focused on the incidence of a MS intervention rather than the particular issue raised or the manner in which this intervention took place (Cross 2012).

From the developed framework there are two dimensions of greater importance in studying the incidence of signals as control and that is the target of such signalling (Commission or other MS) and the timing at which such signals are sent. The first dimension is relatively straightforward as it helps us to differentiate between those MS that predominantly signal the Commission directly from those that prefer to act as a collective. Such distinction is important as it would help us to assert the 'hybrid nature' of the Council as both a collective and multiplicity of principals. The second dimension, the stage of signalling, is important to incorporate the policy dynamic in international negotiations. At certain –formal- stages of the negotiation the Council needs to act as a collective whereas at the more informal stages no such common action is required. Each dimension will be discussed in further detail in the following sub-sections.

5.1.2 Exerting control as part of a hybrid principal

Building on the conceptualization of the Council as a hybrid principal, it is useful to make a broad distinction between two strategies within the survey. A first strategy is bilateral in that it directly targets the Commission-as-agent. The second strategy is collective in nature as it aims to signal both a particularistic concern as well as the broader support among the different Member States. As a collective, the Council mostly interacts with the Commission through the different formations of the Trade Policy Committee. Interventions of the MS during the different Council working parties or within COREPER can be a first method to signal preferences within a collective setting. While meetings follow a recurrent structure in which any developments in the EU's multilateral and bilateral negotiations are automatically covered, Member States can still place a topic on the agenda by contacting the Council presidency. This can help to emphasise the importance of a particular issue for a member state. Most often, however, MS will consult, coordinate, argue and bargain amongst each other to see whether it is possible to voice a concern collectively (Elgström et al. 2001; Hosli 1999; Kaeding and Seck 2005).

Bilateral strategies, by contrast, exclusively target the Commission. This can involve private discussions in the margin of a Council meeting, but also entails informal correspondence over the phone or through e-mail. In case a MS wishes to signal that a particular issue is of extreme importance, the responsible Minister or State Secretary can also arrange a meeting with the Trade Commissioner or his/her cabinet.

Table 2: Signalling tactics and their hypothesised strength

Collective Signals	Bilateral Signals
1.a Voicing Concern in the Council Working Party	1. E-mailing the Commission
1.b Placing an issue on the agenda	
2. Networking with other MS	2. Phoning the Commission
3. Coordinating with like-minded states	3. Requesting a bilateral meeting

When focusing on the incidence of signalling rather the content of the signal; the amount of items to be discerned, are limited. I distinguished between three bilateral and four collective tactics as indicated in Table 2. Based on the insights obtained from the qualitative interviews, I targeted both formal and informal means by which a MS can signal their preferences. The chosen tactics differ with regards to their political weight. Attributing a rank in strength to the different signals can further differentiate between Member States and conforms to the idea that the continuous interaction gives ample opportunity to signal the salience of an issue. Whereas national trade officials continuously raise concerns to the Commission by mail or phone, I expect political costs to be higher for organizing personal meetings with Commission officials to discuss a particular issue. With regards the various collective signals, I distinguish between voicing concerns in the TPC or placing an issue on the agenda on the one hand as actions of lower salience, whereas networking and coordinating with other MS being the stronger signals of control. Networking is considered of lower salience as it is devoid of a pursuit for shared commitments.

To obtain variation in respondents' use of different tactics, we asked respondents to indicate the frequency by which the identified signals are being used. This approach is quite common in the literature and was also used by Diana Panke who inquired MS to indicate the frequency by which they applied 14 different tactics using a scale from 1-4 (Panke, 2010). Similarly, to study the applied mix of hard and soft bargaining strategies, Dür and Mateo also employed a 5-point scale to inquire into the frequency by which 8 different tactics were used (Dür and Mateo 2010a). In the current survey, six different categories of frequency have been identified.

Seeing that a distinction is made between the strategies a MS can employ, the natural question to arise is whether there are differences among Member States to be observed and if so, which factors can account for these differences. One can basically distinguish between three sets of factors. First of all there are the characteristics of the actor engaged in the negotiation process. Power, culture (Adair et al. 2004) and personal traits⁴² are the most commonly studied factors in the literature. Secondly, there are the factors that relate to the negotiating context: the number of partners at the negotiation table, the capabilities to engage in issue-linkage and the like (Crump 2011). And finally, there are issue-characteristics that affect which strategies are often preferred (McKibben 2010). The choice to focus on general policy dynamics (instead of a specific policy cases) and the decision to narrow down the research domain to focus solely on international trade negotiations reduces the amount of variation to be explained through the negotiating context or issue-characteristics. Therefore, the primary emphasis of the explanatory model will be on divergences between the actors in the negotiation process.

The main reason for distinguishing between bilateral and collective strategies is related to the ease by which the Commission can disregard an individual MS' signals of control. Collective strategies are distinct from bilateral strategies as they aim to signal the broader salience of the issue that is being raised. Therefore, we can expect that voting power matters when deciding on a signalling strategy. When a large Member State expresses a concern bilaterally, the Commission is aware that neglecting such a signal is more likely to result in a successful contestation during the ratification stage as a blocking minority is easily constructed around a large MS. This is different when a small MS signals the Commission directly. In such a situation, the Commission can more easily disregard this signal insofar as the threat of the small MS forming a blocking minority lacks the credibility that a larger MS attains automatically through its sheer voting power. This leads us to my first Proposition.

Proposition 5.1: *Larger Member States are relatively more inclined to engage in bilateral signalling strategies than smaller member states*

5.1.3 Signalling from a dynamic perspective

A second dimension that is of interest when studying the incidence of signalling rather than its content is the time at which MS are active in voicing their concerns. Time plays an important role

⁴² Relevant personal traits determining strategies and their success range from experience, knowledge (Niemann 2004) to even humour. Regarding the latter, a respondent recalled a MS representative in the TPC who –through the use of humour- could ensure his interventions resonate well and for a longer time than his other peers (Interview, TO#33).

in the decision-making process. Researchers have tried to explain the temporal dynamics of trade negotiations (Crump 2011) as well as the effect of time on the applied negotiating strategies and their chance of obtaining a desirable outcome. Elgström & Jönsson (2000) hypothesised that problem-solving dominates the early stage of negotiations in the Council whereas the late stage is argued to be characterised more by distributional bargaining. Arne Niemann substantiated this hypothesis in studying the TPC (then Art. 113 Committee) over the course of the negotiations of the WTO Basic Telecommunications Services Agreement. He found that discussions in the pre-negotiation phase were much more characterised by communicative action and deliberation than the later stages which were more open to bargaining (Niemann 2004, 2006).⁴³ Time can also be a strategic factor in determining the chance of obtaining a desirable outcome during negotiations (Greer and Martin de Almagro 2012). From shaping the agenda to forcing late stage concessions, Member States vary in their use of tactics over the course of negotiations. We might expect that MS that are able to voice their concerns in the earliest stages of the negotiation require less control in comparison to the representatives that try to obtain late stage concessions when room of manoeuvre is limited.

An important argument to conceptualise control as the provision of signals was the scope for repeated signalling. The scope for repeated signalling enables the principal to indicate the political salience of an issue. As a result, I expect that early stage involvement does not lead to less signals being sent overall, rather the contrary. That is not to say that early stage involvement does not matter in terms of obtaining a desirable outcome. Once a position is determined, we can expect the principal to keep signalling the agent throughout the negotiations to ensure its preferences are fully taken on board.

***Proposition 5.2:** Member States which are active in the early phases of the negotiation signal more frequently than those respondents whose actions are centred on the later phases of the negotiation.*

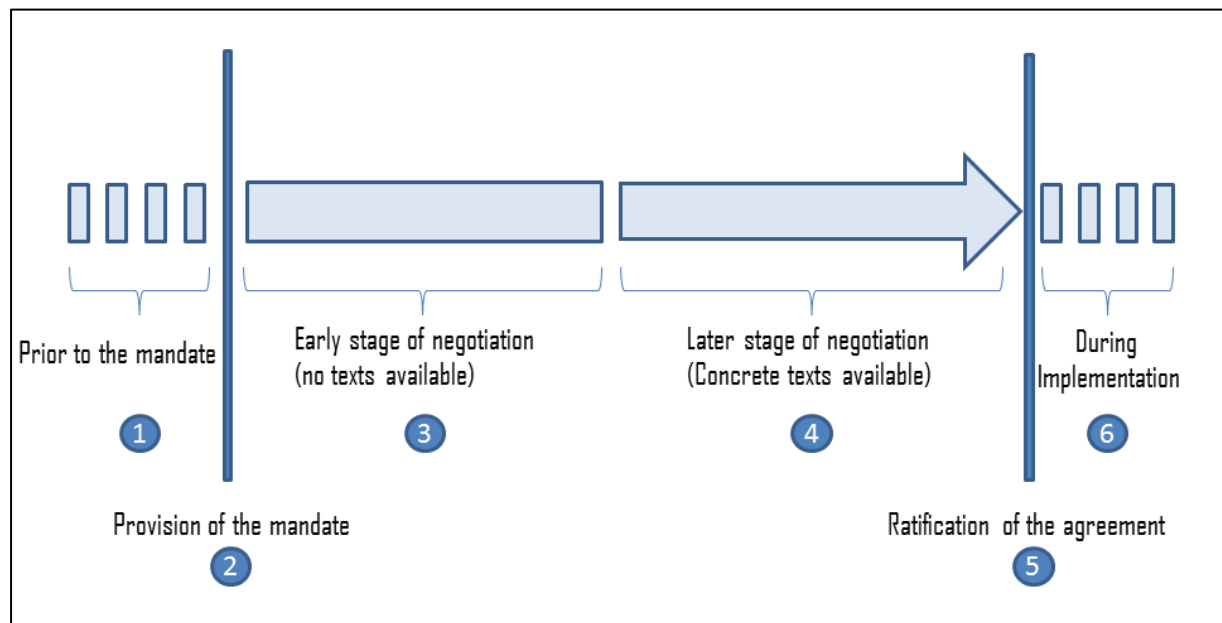
But how can we differentiate between the early and the late stages of the policy-making process? The focus on international (trade) negotiations makes the demarcation of different phases of the policy process somewhat easier than many other regulatory processes. In the developed survey, a distinction is made between six stages as visualised in Figure 6.⁴⁴ The first – but often overlooked-

⁴³ A similar research on the EU MS, indicated that the behaviour of negotiators in the early stage of the policy process is more conflicting whereas the late stage is more prone to problem-solving behaviour (McKibben 2013).

⁴⁴ Other scholars have often distinguished between a pre-negotiation, negotiation and post-negotiation phase (Elgström and Frennhoff Larsén 2010). Clearly the six phases can easily be aggregated by three consecutive pairs to match such a

stage takes place before discussion on a mandate starts (Stein 1988). Prior to the start of formal discussions, the Commission already exchanges some views with the negotiating partner. Also at this stage control and oversight can be important (Gastinger 2013). Debate over the mandate to be provided forms a second phase and represents the first formal occasion for the MS to exert (*ex ante*) control.

Figure 6: Different stages of a trade negotiation



The mandate often figures prominently in PA-studies as it marks the act of delegation from the MS as represented in the Council to the Commission. In the first negotiation rounds, discussions revolve around finding a common ground on the broader goals and ambitions for the various chapters of the agreement. At this point, no concrete draft texts are available. This stage represents the third phase of the negotiation process. It also demarcates the ‘*pro-active*’ from the ‘*reactive*’ stages. Once drafts of specific chapters are being circulated, MS can voice their concerns in reaction to specific provisions. Within the reactive stages of the negotiating process, we can also distinguish two informal stages separated by a formal mechanism of control. The formal mechanism in this case is the discussion on the ratification of the negotiated agreement. The final phase of the negotiation refers to the eventual implementation and monitoring of compliance. This aspect of international negotiations has received limited attention in the academic literature (but see e.g. Jonsson & Tallberg, 1998). Focusing on the incidence of signalling rather than the

conceptualization. The advantage of the proposed demarcation, however, enables a clear separation of a proactive and a reactive stage while at the same time allowing for the distinction between the formal and informal stages of control.

content of the applied strategies, the main topic of interest will be the intensity by which the MS signal during the different stages of the negotiation. Respondents are inquired into the frequency by which they signal their preferences in each of these stages on a scale from 1(never) to 6 (very frequently).

Next to a distinction between proactive and reactive stages, we can also distinguish between formal and informal stages of the negotiation process. The TFEU stipulates clearly that the Council -and not the member states- needs to adopt a negotiation mandate. Similarly, the ratification also requires explicit support from the Council. These are the two formal stages at which collective action is required. During the other stages of the negotiation, there is more room for bilateral (informal) interactions. As a result, we can hypothesise that the collective nature of the hybrid principal is predominant during these formal stages, whereas the informal stages (stages 1, 3 and 4 in Figure 6) are characterised more strongly by bilateral tactics; the type of PA-interaction associated with a setting of 'multiple principals'. By consequence, we would expect that:

Proposition 5.3: *Member States that focus more on the formal stages of the negotiation process to exert control, employ a more collective signalling strategy, ceteris paribus.*

Clearly alternative propositions can be formulated relating the size of a country or the functioning of its administration with the stage at which a position is formulated. However, insofar as the main causal mechanism pertains to the functioning of the national trade administration, I prefer formulating and testing such hypotheses in Chapter 8.

5.1.4 Resulting Survey Design

The key dimensions of the dependent variable are the frequency by which a respondent has signalled the Commission and the stage at which this occurred. Two additional questions have been added to the survey to improve the quality of the dependent variable. Following the discussion on 'process' versus 'outcome' based conceptualizations of control (see Chapter 3) a decision was made to include a single question inquiring into the self-perception of successful control in the questionnaire. The additional leverage to be obtained from such inclusion far exceeds the costs. Moreover, to cope with the issue of endogeneity, a question on the 'demand for control' was included. Remember that administrative capacity could also be driven by the experienced need for control. If a MS' interests align closely with those of the Commission, no control is required and, hence, there is limited need for administrative capacity. Controlling for

such a latent variable is important when asserting the main hypotheses. The resulting questionnaire therefore seeks to incorporate four sets of questions:

- | | | |
|----|-------------------------------------|---------------------------------|
| 1. | Control as a process | See Appendix I Questions 1(a-g) |
| 2. | Stage at which control is exerted | See Appendix I Questions 2(a-f) |
| 3. | Demand for control | See Appendix I Question 5 |
| 4. | Control as reflected in the outcome | See Appendix I Question 6 |

The method through which the respondents were identified, the method of data-gathering as well as the responses obtained will be discussed in the following section.

5.2 Data Collection

The advantage of relying on respondents rather than documents as the source of information is predicated by its ability to capture the informal as well as the formal signals emitted. Based on the interviews in the previous chapter, the importance of such informal processes was reaffirmed. This does not only apply to interaction among the MS but more particularly to the way in which MS engage with the Commission. Member States commonly voice concerns over e-mail or phone. The Commission also regularly circulates draft texts for input or discussion. These actions do not appear in the meeting reports of the Council. Moreover, the workload associated with the current trade agenda results in the Commission organizing informal technical meetings to flesh out the details of an agreement or provide a more detailed briefing of the status of ongoing negotiations. According to Elsig (2010) the eastern enlargement has increased the importance of informal processes in MS-Commission interaction. Hence, a survey was developed to target national representatives on trade.

5.2.1 Sample-selection and response

From the in-depth interviews conducted in the previous chapter, it is possible to identify the main forums of decision-making where we can study MS actions aimed at controlling the Commission-as-agent. Not much action takes place at the highest political levels. The FAC (Trade) and COREPER convene only sporadically. When they convene it is mostly to cut the final Gordian knots that have not been resolved within the TPC. To obtain a better understanding of MS involvement in the EU's external trade policy, it makes more sense to study the responsible Council Working Parties. Given the clear division of tasks between the TPC and the WPTQ, a focus on the former comes as a natural choice. The ITMs are an interesting arena for future research. However, as respondents tend to vary regularly depending on the subject of the meetings, and seeing that many of these subjects are of a lower political salience; I consider the

participants of the ITMs less appropriate for the targeted research. In summary, the survey sample consists of the national representatives that take part in the following three formations of the TPC: Full Members, Deputies and Services & Investment. The TPC Deputies can be considered the most important forum. Potentially, a total of 84 respondents can be identified to form the population of my first questionnaire. This number is not quite accurate though. Many (smaller) Member States are represented by the same person in multiple meetings while others have multiple representatives for TPC S&I. The survey was distributed in June 2013, but reminders were repeatedly sent until October 2013.

Response rates on surveys conducted in European institutions are generally low. Often they are well below fifty per cent. A survey distributed among the staff of European Parliament was only able to obtain a response from 13% of the total respondents (Egeberg et al. 2013). Studies on EU member states within the Council reported response rates from 21% (Meert, 1997) up to 43% among members of the Permanent Representation (Panke 2011). One exception being Liesbeth Hooghe, who –upon studying socialization processes in the Commission- obtained response rates of 51% in 2001 and 40% in 2004 (Hooghe 2005). Evidently, limited response is a significant threat to engage in comparative research. To address this issue, the survey has been distributed by the Commission within TPC Deputies (in person) and TPC S&I (through mail). The TPC Full Members were contacted by me directly. Non-respondents were identified and contacted individually over e-mail to increase the response rate. Seeing that a number of Member States did not respond to such reminders, I have also contacted them over the phone.

With an overall return of 41 filled in questionnaires, response was fairly decent, though not exceptional. Two factors suppressed the response rate. Firstly, most of the respondents were diplomats that change posts every 4 or 5 years. As a result, five respondents were only working in their position fairly recently and therefore declined to fill in the questionnaire. Secondly, three Member States formally rejected to participate in my research. Representatives were not allowed to return my questionnaire or grant me an interview. The relative good response rate within TPC Deputies as indicated in Table 3 strengthens my confidence in the quality of the obtained data.

5.2.2 Assessing data validity

The respondents cover 23 of the 28 Member States. As indicated above, three Member States were given clear instructions not to participate in my research, two others did not respond to any of the mails or phone calls. For 8 countries, responses were obtained for all three formations. I consider the sample to be representative for the whole of the EU. From Table 3 it becomes clear that the distribution of the obtained sample of respondents across two relevant dimensions (column 3) closely matches that of the entire population (column 2). The dimensions chosen were the membership to the like-minded and open-minded groups⁴⁵ on the one hand and the responsible line ministry on the other hand. This exercise had the same result when applied to the countries included in the sample (column 4). I am therefore pretty confident that the obtained data is representative of the EU MS.

Table 3: Representativeness of the sample

	# Member States	# Responses	# Sample countries
Like-minded	15 (53%)	24 (59%)	13 (57%)
Open-minded ^(a)	13 (47%)	17 (41%)	10 (43%)
Foreign Affairs	10 (36%)	17 (41%)	9(40%)
Economics ^(b)	18 (64%)	24 (59%)	14(60%)

(a) The three non-aligned countries were added to the group of the open-minded

(b) The group of Ministry of economics also incorporates those chaired by the Ministry of Industry

Cross-validation of the survey results occurred through interviews with Commission officials and two MS representatives. The difficulties with doing a cross-validation of the inquired information originate due to the lack of a single source that can adequately assess both the bilateral and collective signals conveyed by a particular MS. While the MS can provide (partial) insights on the collective strategies applied by another representative, they are left in the dark as to the latter's bilateral strategies. Similarly, the Commission can evaluate the accuracy of the data in terms of the bilateral signals but is worse positioned to provide an cross-validation with respect to the collective signals emitted by the MS.

⁴⁵ Briefly formulated, the like-minded group is an informal coalition of MS advocating a more liberal trade agenda. The 'open-minded' group by contrast is more pragmatic and favors the use of trade protection when it is deemed necessary.

In the interviews, a list of country-pairs was drafted with the question to indicate which of both was more active in signalling the Commission if it were possible to discern a difference at all. On the basis of these responses the general ordering in the data was largely confirmed. The data obtained from two respondents was highly questionable though and has been removed from the sample once the cross-validation confirmed their dubious nature.⁴⁶ As a result the revised sample only covers 22 instead of 23 MS.

5.3 Data Analysis

The survey data gathered contains information related to member states' signalling strategies (bilateral or collective) as well as the stage in the negotiations at which the respondents are particularly active in voicing their interests. Both topics are addressed consecutively in this section. To discuss the survey results, basic descriptive statistics will be provided first. Then the formulated propositions will be tested, the results are interpreted and -when appropriate- additional interviews were conducted to substantiate the findings or generate new alternative propositions.

5.3.1 Signals of control

Three questions will structure our discussion of the main dependent variable. Firstly, in constructing a single indicator of control, it is important to assess how the seven different signals can be aggregated in a meaningful way. Studying the impact of signalling on policy outcomes will be the second question. Finally, the formulated proposition on bilateral versus collective signalling will be put to the test.

Concerning the strength of signals

When combining the different signalling tactics into a single indicator of control, we can either grant equal weights to each of the signals or attribute a weight according to the power of the signal. But how can we infer whether the various signals differ in strength? If we assume that stronger signals also require a higher investment in terms of time and diplomatic resources, we would expect that stronger signals are sent less frequently whereas weak signals are sent quite often. As a result, it would be possible to affirm the hypothesised ranking as indicated in Table 2 from the frequencies by which the identified signals are sent. In Table 4, you can find the summary statistics of the various signalling tactics identified.

⁴⁶ Influence analysis (through dfbeta's) when studying the main hypothesis (see Chapter 8.2.1) also singled out these respondents as suspicious and warranting further research.

Table 4: Summary statistics signalling tactics

Signal	Mean	Min.	Max.	Standard deviation
Adding an issue to the agenda	2.31	1	4	0.69
Voicing concerns during the meeting	4.64	3	6	0.96
Contacting other member state representatives	4.54	3	6	0.79
Coordinating a position with like-minded States	4.41	2	6	0.91
Communicating concerns to the Commission through e-mail	4.16	2	6	0.95
Communicating concerns to the Commission over phone	3.38	1	6	1.18
Meeting in person with Commission officials	3.54	2	6	1.07
Signalling Index (Average)	57.21	37.14	88.57	12.22
Signalling Index (Weighted)	58.22	38.46	93.8	12.81

Overviewing the results, it becomes clear that the original ranking does not completely hold. First of all, adding issues to the agenda occurred least frequently. This does not reflect a high political costs but rather the rare need for MS to explicitly put an issue on the agenda (Interview, TO#32). Procedural customs determine a large part of the agenda. Meetings are structured according to a relatively fixed pattern which allows most issues to be accommodated. Hence the agenda rarely needs amending by MS. Apart from the instrument of agenda-setting, the collective signals follow the expected pattern i.e. voicing concerns during a TPC meeting occurs most often, followed by the contacting of other MS ending with the coordination of a common position. Notice that the differences in mean are too small to be statistically significant. With regards to the bilateral signals, the order between meeting a Commission official in person and contacting them over the phone was opposite my expectations (though not statistically significant). That e-mail was the most frequently used tactic confirmed prior expectations.

A ranking derived from the data only provides a partial picture. Therefore, two officials were also contacted to share their interpretation of the political weight to be attached to each of the signals. With regards to the collective strategies the respondents confirmed the suggested ranking. Opinions diverged as far as the bilateral strategies were concerned. While both agreed that personal meetings reflect high saliency, doubts were cast on the greater costs of contacting the

Commission over the phone vis-à-vis the use of e-mail correspondence (TO#31). When a representative prefers a certain degree of confidentiality, it is safer to contact the Commission over the phone to avoid a paper trail. This was, however, disputed by a second respondent who remarked that the existence of such a paper trail enables the development of institutional memory and could be used as a justification vis-à-vis their superiors (TO#33). Respondents also indicated that personal style also plays an important role in deciding the propensity to use one type of signal over another. For these reasons, they suggested to distinguish bilateral tactics based on the hierarchical position of the target of such signalling. The potential correspondents in the Commission can range from a technical expert to the chief negotiator and even the Commissioner.

Whereas the weights suggested in the conceptualization above were largely confirmed there is sufficient uncertainty to warrant caution. By consequence, I have decided to consequently report results using both a simple average and a weighted average when combining the various signals for further analysis. The attributed weights correspond with the ranking of the signals in Table 2 (1, 2 and 3). The data was transformed to a scale from 0 (no signals) to 100 (maximum signals provided) and this both for the averaged and weighted index.⁴⁷ The resulting Signalling Indices (SI) will form the main dependent variables in the ensuing analyses. As apparent from the two bottom rows of Table 4, there is sufficient variation to warrant further analysis on the constructed indicators.

Important to note is that both Signalling Indices are positively correlated with the measurement of control as an outcome. Recall, that the survey incorporated a question with respect to respondents' perception of negotiation success when engaging with the Commission. The effect uncovered was significant at the 95% confidence level. Still, caution is due as variation on the outcome variable was extremely limited.⁴⁸

Selecting a strategy

The first proposition stipulates that larger member states have a higher propensity to engage in bilateral signalling tactics relative to the smaller Member States. A small member state's bilateral signals can more easily be disregarded by the Commission as the concerned MS is less likely to

⁴⁷ The items of the index were first rescaled to [0,5] by subtracting one from all values. Such rescaling also occurred in the construction of other indicators (see infra). The resulting scores were then averaged, and multiplied by 20.

⁴⁸ Of the 37 respondents that answered this question, 27 responded 'regularly'. Of the remaining ten, six responded 'rarely', the final four indicated frequently. The other answering options were not being used.

construct a blocking minority than a larger MS. By consequence, we would expect smaller MS to make more use of collective tactics as they also need to indicate the broader support for their position to persuade the Commission. To test the proposition, I constructed an indicator that takes the value 0 when only collective signals are emitted (*Bilateral* =0) and goes up to a 100 when only bilateral signals are used by the respondent (*Collective* =0) through the following formula: $Strategy = 50 \cdot \left[1 + \left(\frac{Bilateral - Collective}{Bilateral + Collective} \right) \right]$; with 'Bilateral' and 'Collective' reflecting the (weighted) average of bilateral and collective tactics respectively. The variable 'Strategy' has a score of 50 when a MS is using an equal amount of bilateral and collective strategies.

As discussed above, two measurements of the dependent variable are used in the analysis. In the first formulation, signals were weighted according to their strength (Models 1 & 2). In the second formulation, no such weighting was applied (Models 3 & 4). To approximate a MS' power, I preferred to use indicators based on voting weights rather than population or economic prowess. Member States derive their power in the Council through their formal votes, not because they have a strong economic presence. Moreover, during interviews with the Commission, references were made to a MS' ability to construct blocking minorities, thereby suggesting that the Commission takes voting power into account when deciding whether or not to fulfil a MS' wishes. Two indicators were used as a proxy for power: the raw council voting weights on the one hand (Model 3) and the Shapley-Shubik indicators calculated for the QMV rules applied post-Lisbon (Shapley and Shubik 1954).⁴⁹ In a final model, I also averaged the results across the various TPC formations to obtain one indicator per country and conducted the analysis on the resulting 22 observations.

The models are estimated using Ordinary Least Squares (OLS) regression. For the OLS to result in unbiased estimates of the coefficients, it suffices that the errors are independent and identically distributed. Normality is not required but is important for hypothesis-testing. Due to the small sample, I decided to estimate the errors of the obtained coefficients through a non-parametric method i.e. bootstrapping (Efron 1979). Bootstrapping involves the resampling of the data-set by randomly drawing observations from the sample. In this process, observations can be sampled repeatedly. *The population is to the sample as the sample is to the bootstrap samples* (Fox 2008, 590). The resulting sample counts the same amount of observations as the original sample. This is important to avoid increasing the significance of results due to an inflated sample size. In total,

⁴⁹ The indicator takes into account the latest enlargement with Croatia, values were derived from Napel, Widgrén, & Mayer (2013).

5000 replications were made for each of the estimations.⁵⁰ The standard deviation of the estimated coefficients across these replications is the bootstrapped standard error of the coefficient.

Table 5: Preference to send Bilateral over Collective signals

DV	Respondent				Country	
	Model 1 Weighted	Model 2 Weighted	Model 3 Unweighted	Model 4 Unweighted	Model 5 Weighted	Model 6 Weighted
Power (SSI)	58.39** (24.87)	--	26.50 (22.46)	--	52.54 (32.02)	--
Raw votes	--	76.99* (42.96)	--	30.85 (36.72)	--	70.77 (44.27)
Constant	41.86*** (1.70)	41.18*** (2.05)	45.94*** (1.42)	45.78*** (1.76)	42.77*** (1.75)	42.16*** (2.03)
N	39	39	39	39	22	22
Adjusted R ²	0.04	0.03	-0.01	-0.01	0.05	0.03

*** significant at the 0.01 significance level

** significant at the 0.05 significance level

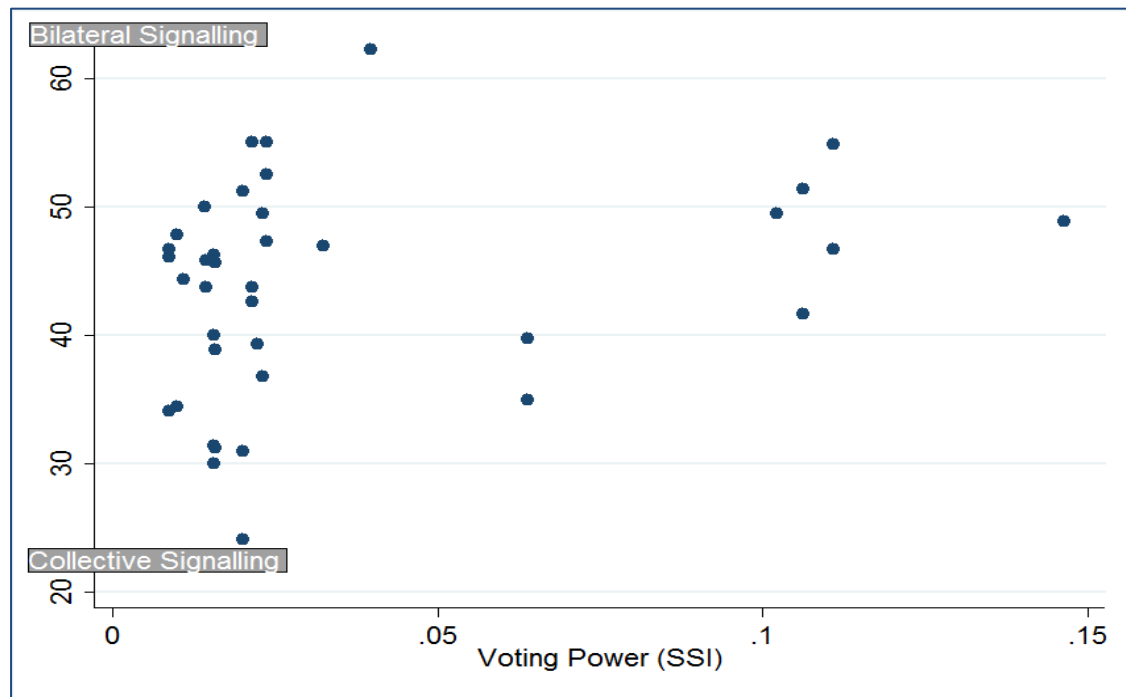
* significant at the 0.10 significance level

For the formulated proposition to be supported by the data, a positive coefficient is required. This would imply that respondents from powerful MS would exhibit a higher propensity to signal the Commission directly rather than coordinate joint positions within the Council. From the results of the analyses as depicted in Table 5, it becomes apparent that only in two out of six models, a MS' voting power significantly affected the chosen signalling strategy. By consequence, the proposition that large MS signal relatively more bilaterally than small MS is not supported by the data. The limited explanatory power as apparent from the low R² and the sensitivity of the results towards alternative formulations of the dependent and independent variable warrant further scrutiny.

The scatter plot below can shed more light on the underlying reason. From Figure 7 it is clear that the larger MS have a clear preference for bilateral strategies. This was in line with our expectations. However, the smaller MS vary significantly in their signalling strategy capturing both the minimum and the maximum values of the constructed indicator. Why are there so many small member states pursuing a bilateral rather than a collective strategy?

⁵⁰ To calculate the number of required replications one can also use the three step approach (D. W. K. Andrews and Buchinsky 2000). The minimum number of replications as reported by STATA's 'bssize' procedure (Poi 2004) were well below 5000 in the cases tested.

Figure 7: Signalling strategy and voting power



To formulate alternative explanations, I contacted two respondents from small MS and confronted them with my puzzle. From these interviews, two new propositions surfaced. The first respondent attributed his preference for bilateral strategies as a natural consequence of its country's non-alignment with neither of the two major groups that often coordinate on trade issues i.e. the 'like-minded' and the 'open-minded' countries (Interview, TO# 33). Being part of an informal coalition makes networking and coordinating a lot easier. In other words, there are factors that lower the threshold for (small) MS to apply collective signalling tactics. We can also generalise this idea into an alternative proposition. Seeing that a small MS needs to persuade a larger amount of MS to form a blocking minority, it might be drawn to bilateral signalling tactics as it requires far less networking capacity. Demand for such capacity is higher in smaller MS, whereas the supply –e.g. through a large representation- might be more constrained in these countries.

Alternative Proposition 5.1.a: *Member States that lack sufficient networking capacities are more likely to engage in bilateral strategies.*

Another respondent from a smaller MS indicated that his preference for bilateral contacts with the Commission is predicated by his prior experiences. In general, the respondent felt the Commission listened to their concerns and accommodated their grievances. As a result, it was rarely necessary to engage in collective strategies. While we assumed that it was raw voting

power that determined the extent to which member states are bound by the collective procedures in the Council, there might be a whole range of alternative factors that influence respondents' signalling strategy. At a more abstract level, it would be interesting for future research to study the effect of representatives' perceptions of the relation between MS and Commission as part of a collective principal or a multiplicity of principals. These role conceptions can be fuelled by prior experiences as was the case for the above respondent. If national representatives choose their signalling strategies on the basis of their beliefs of how the Council functions, it would be possible to formulate the following proposition:

***Alternative Proposition 5.1.b:** Beliefs of the Council as a collective or a multiplicity of principals, determine signalling strategies.*

5.3.2 Is time of the essence? Signalling across the phases of the negotiation

Three sub-sections can be discerned when analysing the data on MS signalling across the various phases of the negotiation. As always, a first descriptive analysis can help to reveal broader patterns. Which stages of the negotiation are characterised by intense signalling and which stages are rather tranquil? The second sub-section seeks to assess whether MS active in the early stage send fewer signals overall. In the final part, the formulated proposition regarding signalling in the formal and informal stages will be put to the test.

Taking a closer look at the negotiation process

In Table 6, you can find the mean scores of MS signalling activity during the six stages identified above. The data has been disaggregated for the various TPC formations, but also includes the overall mean and standard deviation in the bottom two rows. A quick glance at the overall means makes clear that Member States signal most intensely during the approval of the mandate (2) and once concrete texts are being made available (4). The ratification process itself (5) appeared to be significantly less important than the three preceding stages.⁵¹

The dynamic of an international negotiation dictates the agenda the TPC has to deal with. Recall that the role of the three relevant formations of the Trade Policy Committee in the policy-making process differs. Whereas the TPC Full Members only deals with the most contentious, politicised issues, the TPC Deputies addresses the full scope of the agenda.

⁵¹ Differences were significant in matched t-test and Wilcoxon matched pairs signed rank test.

Table 6: Signalling activity across the various stages of the negotiation process

	1	2	3	4	5	6
Full Members	3.33	4.71	4.16	4.57	2.83	2.17
Deputies	3.75	4.65	4.00	4.35	3.41	3.18
Services & Investment	4.07	4.84	4.00	4.80	3.38	2.92
TPC mean	3.81	4.73	4.03	4.56	3.31	2.92
Standard deviation	1.43	0.77	1.24	0.72	1.37	1.44

Finally, TPC S&I is more specialised and only deals with issues of services and investment. This is to some extent reflected in the data. Of all formations, the TPC FM was most active during the adoption of the mandate (2), whereas it was largely absent in the pre-mandate phase and post-negotiations (1 & 6). What is more surprising though is the observation that even the TPC FM was not as active during the ratification of the agreement but rather during the negotiations.

Is a word enough to the wise?

To test the relation between the stage at which signalling takes place and the overall frequency by which a MS signals the Commission, we need to obtain an indicator that distinguishes respondents active in the early (proactive) stages of the negotiation from respondents that are active in the later (reactive) stages. The first three stages of the negotiation process were termed pro-active as it takes place before concrete texts are being made available. Correspondingly, the reactive stages were the following three stages identified. For the analysis, a simple sum of the rescaled frequency of signalling across the three stages was used to construct two indicators proactive (P) and reactive (R). These two measures were then transformed into a single indicator of pro-activeness through the following formula *Proactive (ratio)* = $50 \cdot \left[1 + \frac{(P-R)}{(P+R)} \right]$. The resulting scale equals 0 if a MS was only active in the three latest stages (P=0), while it equals a 100 if signalling only occurred in the proactive stages (R=0). In addition to a ratio-based indicator, I also constructed an additive index of pro-activeness.⁵²

⁵² For this variable, the following formula was used: *Proactive (added)* = $10 \cdot (15 + P - R)/3$. A respondent will only obtain a score of a 100 if she/he has given the highest value on each of the proactive stages, while attributing the lowest possible scores to the reactive stages (P=15; R=0). A value of 50 will occur when P equals R. Unlike the ratio based indicator, for this measure it matters whether a respondent attributed a high or low score to the different stages.

The dependent variables are the averaged and weighted Signalling Indices (SI) formulated above. To test the proposition, I conducted six analyses as indicated in Table 7. The first two regressions used the weighted SI as dependent variable while the second pair of regressions used the unweighted index. The final two regressions are conducted with aggregated country-level data (across the different respondents). Estimates were obtained from OLS regression using bootstrapped standard errors following 5000 replications.

For the formulated proposition to be confirmed by the data we would have to find a positive coefficient on the indicators of pro-activeness. This would imply that respondents that were relatively more active in the early stages scored higher on the overall SI.

Table 7: Relation between Proactive signalling and overall control

DV	Respondent				Country	
	Weighted SI		Unweighted SI		Weighted SI	Unweighted SI
Proactive (ratio)	0.43** (0.21)	--	0.38 (0.24)	--	0.79*** (0.19)	0.71*** (0.25)
Proactive (added)	--	0.50*** (0.19)	--	0.45** (0.20)	--	--
Constant	34.05*** (11.50)	29.57*** (10.20)	35.63*** (12.68)	31.82*** (10.88)	14.23 (10.01)	17.71 (13.65)
N	32	32	32	32	21	21
Adj. R ²	0.07	0.12	0.06	0.09	0.28	0.24

*** significant at the 0.01 significance level
 ** significant at the 0.05 significance level
 * significant at the 0.10 significance level

From the results, we infer that in five out of the six models the effect was positive and significant. This is in line with the proposition formulated above. The underlying mechanism suggested that mentioning an issue at an early stage does not automatically result in such interests being defended by the Commission in the ensuing negotiations. Indeed, it is up to the Commission to decide whether it will take these concerns to the negotiating table or not. Signalling one's preferences in the early stages of the negotiations, enables a MS to repeatedly bring up the issue should this be necessary. Future research could inquire whether early stage involvement has a greater chance of success in the internal negotiations.

A third proposition stipulated that respondents predominantly active during the formal stages employ more collective strategies than respondents that signal mostly during the informal stages. For the adoption of the mandate and the ratification of the agreement collective action is required from the Council. By consequence we can expect that MS that focus their efforts on these stages of the negotiation will exhibit a greater propensity to use collective signalling tactics.

To construct an indicator of the importance attached to the formal stages of the negotiations, the following indicator was constructed: $Formal = 50 \cdot \left[1 + \frac{(Formal - Informal)}{(Formal + Informal)} \right]$, with *Formal* being a rescaled average of the two formal stages and *Informal* being a rescaled average of the other four stages as identified in Figure 6. In the regression model, I also included the Shapley-Shubik index (see supra) as a control variable. The proposition was tested using observations at the level of the individual respondent as well as using country-averaged data. As customary, OLS was applied with standard errors being bootstrapped from 5000 replications. The results are depicted in Table 8.

Table 8: Collective action and the formal stages of the negotiation

DV	Respondent		Country	
	Weighted	Equal weights	Weighted	Equal weights
Formal	- 0.50** (0.22)	-0.47** (0.18)	-0.67 (0.47)	-0.52** (0.26)
Power	58.78** (27.48)	28.13 (21.44)	35.25 (31.40)	10.36 (21.32)
Constant	66.94*** (11.02)	69.48*** (9.18)	76.86*** (24.01)	73.15*** (13.32)
N	32	32	21	21
Adjusted R ²	0.15	0.14	0.26	0.26

*** significant at the 0.01 significance level

** significant at the 0.05 significance level

* significant at the 0.10 significance level

A first observation to be made when interpreting the results is the increase in explanatory power in comparison to the models ran when testing the first proposition. In three out of four models, respondents that were more active in the formal stages exhibited a greater propensity to use collective rather than bilateral tactics. The deviant results from the third column might be explained by the over-determination of the regression model. Estimating two coefficients and a

constant with only 21 observations is not without pitfalls. Still, the coefficient was significant at the 89% confidence level.

The obtained results might be a consequence of beliefs regarding the nature of the relation between MS and Commission. Respondents that are very active during the formal stages are more inclined to perceive the nature of the Council as a collective principal and adjust their signalling strategies accordingly. This explanation resonates well with the alternative proposition formulated earlier where respondents' perception on the 'true identity' of the hybrid principal determines the dominant signalling strategy. I do not consider the causal path running the opposite way as it seems unlikely that a representative would decide to be active in a particular phase of the negotiations due to his/her preferences to engage in bilateral or collective strategies. Further research is required to substantiate the empirical leverage of this explanation.

The main findings

This chapter rounds up the discussion of the main dependent variable that is 'control'. The interviews conducted in the previous chapter fostered our understanding of the fora in which MS can defend their interest at the European level. The importance of informal decision-making dynamics warranted a survey approach. After overviewing the literature, a decision was made to focus on the incidence of signalling rather than the content of such signals. This focus is appropriate given the developed theoretical framework and the limited need for further complexity. Response to the survey was fairly decent and the data proved to be representative of the EU member states.

Three propositions were formulated and tested using the data gathered. The first proposition referred to the **effect of voting power on signalling strategies**. Voting power could not be associated with the preferences of a respondent to pursue bilateral versus collective tactics. However, alternative hypotheses could be formulated with respect to the various causes of (small) MS signalling preferences. Thus it was suggested that MS also require the necessary capabilities to engage in collective strategies. Membership to (informal) coalitions could be an important factor thereto. Respondent's personal experiences or their belief regarding the relation between MS and Commission were suggested as another alternative explanation.

A second proposition looked at a MS' relative activity in the proactive versus the reactive stages of the negotiation and suggested that **pro-activeness would lead to more signals**. This proposition could not be rejected by the data. Mentioning an issue in the early stages of the negotiation, does not automatically lead to an adjustment in the Commission's behaviour. The

iterative process of signalling grants more opportunities to 'proactive respondents' than to those that focus primarily on the reactive stages of the negotiation process.

A third and final proposition addressed the relation between **the stage at which a respondent signals and the preferred signalling strategy**. Seeing that the adoption of the mandate as well as the ratification of the agreement requires a collective decision within the Council, it was posited that those respondents that are most active during these formal stages have a higher propensity to engage in collective signalling strategies than the respondents that place greater emphasis on the informal stages of the negotiation process. This proposition could not be rejected by the collected data.

CHAPTER 6:

NATIONAL TRADE ADMINISTRATIONS

When trying to assess the impact of a member states' administrative capacity on its ability to control the European Commission, two large conceptual question arise: "How can we observe and measure control?" and "Which administrative features deter or foster control over the Commission?". Having addressed the former question in chapters 4 and 5, we now turn to the latter question. Administrative capacity was defined by the ability of a member state to accurately derive the country's interests and monitor whether the negotiations as conducted by the European Commission serve such an interest. Inability to do so, results in endogenous information asymmetry placing the agent in a position to neglect the unvoiced preferences of said member states. To reduce such endogenous information asymmetry, the functioning of the domestic administration plays a vital role. It is here, that the concept of administrative capacity has to be introduced. The main challenge at hand is to identify relevant measures that can shed light on such capacity.

The first step in doing so is to increase our understanding on how member states' formulate a national position in external trade negotiations? Being one of the most studied policy domains in International Political Economy (IPE), theories abound on the drivers of a nation's trade policy. From this accumulated knowledge, it has become clear that mobilised interests in society play an important, often constitutive, role. However, authority remains with the state, and thus ultimately governments need to strike a balance between the various interests to be pursued; a decision that in most democracies requires approval of a legislative body. As a result, when comparing trade policy-making in different countries, the analytical focus has often been placed on the legislative system. The amount and size of the voting districts, discipline within political parties or the electoral system (proportional representation versus a winner-takes-all), all have been related to a preference for or against trade liberalization. In other words, through variation in the legislative system these studies have sought to explain trade policy outcomes.

The emphasis on the legislative system is a natural consequence of early scholars' familiarity with the American policy-making system. Unlike the United States the European member states have delegated authority over external trade policy to the European Union. By consequence, national parliaments have no direct role to fulfil insofar the trade negotiations do not touch upon the

member states' competencies. Approval of legislation is the responsibility of the Council and the European Parliament. From the interviews in Chapter 4 it has become clear that the member states interact with the Commission through national trade experts that are embedded in a bureaucratic rather than legislative structure. To understand variation in MS policy formation processes it is therefore more appropriate to study the trade administrations within the MS rather than their parliamentary systems.

Unfortunately, little is known on the decision-making process that takes place within the national trade administrations. Through this exploratory inquiry, I hope to further the development of a comparative political economy that focuses more extensively on variation in administrative functioning. To achieve this goal, the chapter will require four sections. In the first section, a brief overview of the political economy of trade is presented identifying the various factors that have been shown to be relevant in understanding the formation of a policy position. It concludes by pointing at a deficiency in the existing literature i.e. the limited attention given to the executive power. In the second section, the available comparative analyses will be discussed, resulting in a topic list for exploratory research. The third section elaborates the exploratory case study design, discusses the case selection and the selection of respondents. The results of the fieldwork conducted are discussed in the fourth section. A conclusion follows.

6.1 Formulating a position on trade

So how does a country determine a position on a specific trade policy issue? Gourevitch's second image reversed approach popularised the argument that domestic interests are shaped in anticipation of or in reaction to the effects of international policy changes (Gourevitch 1978).⁵³ To explain domestic policy preferences, IPE-studies have looked at both societal and state actors as drivers of trade policy.

The role of interest groups in trade policy has long been acknowledged in the literature. Early research by Schattschneider (1935) and Kindleberger (1951) already emphasised the importance of mobilised interests in society. By combining the power of economic modelling and rationalist interest-based approaches in political science, a new strand of literature emerged that became the starting point of one of the first dominant research paradigms in IPE i.e. 'Open Economy Politics'

⁵³ That is not to say the international level is overlooked in IPE-studies. Rather the contrary, the interplay between the domestic and the international level is the central focus of two-level games (Putnam 1988) which -in the case of the European Union- have been expanded to three-level games (Collinson 1999; Frennhoff Larsén 2007). Given the exclusive focus on policy-making in the member states, I will consider the international (extra-EU) level exogenous to my analysis.

(OEP) (Bates 1997). This paradigm stresses: '*a uni-directional conception of politics as flowing from individuals to interstate bargaining*' (Lake 2009, 225). It generally begins with the identification of interests within society and continues to look at how domestic institutions affect the aggregation of such interests ultimately resulting in a policy position defended at the international level. The combination of an explicit comparative focus with a political economic explanation of the policy-formation process has enabled the identification of a wide array of institutional determinants of trade policy. In line with the OEP paradigm, I will first provide an overview of the various interests in society active on trade policy. Consequently, the second section zooms in on the comparative analyses of the institutional setting through which these interests are aggregated into a policy position.

6.1.1 Identifying societal interests

Societal interests can only weigh on policy outcomes if they can overcome their collective action problem. Businesses and civil society organizations will do so if the costs of organising one selves are offset with the potential gains to be achieved (Olson 1971). The collective action problem helps us to think in terms of concentrated or diffuse interests and how costs rather than benefits trigger mobilization (Tovar 2009). As most economic trade models on which the endogenous tariff literature was based, implied gains for the public at large but costs for a small group of actors, it was long time assumed that the resulting lobbying landscape was one dominated by protectionist interests (see e.g. Ehrlich 2009). The remaining question was to identify who lobbies for such protection. Or rather, which groups in society are harmed by trade liberalisation?

Three prominent international trade models have been used extensively in the literature to identify the societal cleavages around which mobilization occurs (Alt et al. 1996).⁵⁴ The first of these draws on the Heckscher-Ohlin model for trade and argues that protectionist pressures arise around **factoral cleavages** (Stolper-Samuelson theorem). That is: in capital abundant countries, the sectors relying primarily on labour to produce their goods tend to loose from opening up the domestic market to competition (Dutt and Mitra 2005; Milner and Kubota 2005; Rudra 2002). This

⁵⁴ One could also identify societal cleavages at the geographic level. Geographic proximity reduces transaction costs and facilitates the overcoming of the collective action problem. Using regional NUTS2-level data, it was thus shown how geographic concentration in regions could account for the variation in political activity (Busch and Reinhardt 2000, 2005). Whereas the idea of regional concentration of industries has been a staple in studies on 'New Economic Geography', the theory does not lead to clear predictions about the particular groups in society that gain or lose due to trade liberalization (Fujita, Krugman, and Venables 1999; Krugman 1998).

model can explain the strong resistance by the agricultural and textiles sector to trade liberalisation on both sides of the Atlantic. A second model focuses on the limited mobility of workers between various sectors in the economy. In assuming that production factors are sticky and hence mobility across sectors is constrained, the Ricardo-Viner model could explain why societal interests are mobilised across **sectorial cleavages**. Lack of inter-sectorial mobility makes it so that the prospect of losses is felt by both investors and labourers within a specific sector. Labour mobility serves as a conditioning factor between both models and can be exploited to assess along which cleavages mobilisation on trade will occur (Hiscox 2001; Ladewig 2006). In case mobility is high, societal cleavages emerge between capital and labour. By contrast, when inter-sectorial mobility is low, cleavages form along sectorial lines. The third, Increasing Returns to Scale trade model enables explanations of the widespread occurrence of **intra-industry trade**. Despite the uncertainty on the distributional effects of intra-industry trade, scholars have related the occurrence of trade in similar goods to a heightened mobilization for protection (Kono 2009).

While these economic models are good at explaining why certain industries remain sheltered from international competition, their performance wanes in light of the unprecedented liberalization we have witnessed during the eighties and nineties. Part of the explanation has been the underestimation of exporters to overcome their collective action problem (Chase 2003; Manger 2009). Through reciprocal bargaining, exporters face the prospect of a concentrated benefit and could act as a counterweight to protectionist pressures (Bailey, Goldstein, and Weingast 1997; Destler 1986).⁵⁵ Moreover, due to the risk of trade diversion, exporters could also be confronted with a concentrated loss if foreign competitors –due to a trade agreement- face lower market barriers for their exports (Dür 2007b).

But also the view that rising imports imply a threat to the domestic economy has been scrutinised in recent studies. In a globalised economy, production is increasingly fragmented with different parts produced across the globe. The large increase in trade over the second half of the twentieth century has been caused by the surge in international fragmentation (Yi 2003). To export, one must import. Firms that have outsourced the labour intensive parts of the production process now face concentrated benefit from the removal of barriers on such goods. Opposing the import-

⁵⁵ In the literature, a debate ensued which aspect of the Reciprocal Trade Agreement Act, if any, was instrumental to explain the United States' move to liberalisation. In addition to the reciprocity-argument, alternative accounts focus on the district size argument. Because the president represents the entire country, it has been argued that delegating authority to the Presidency limits the effects of log-rolling dynamics that can push the Congress towards protectionism (see e.g. Epstein and O'Halloran 1999; Magee 2010) For a critique, however, see (Hiscox 1999)

competing firms, are retailers and firms that have outsourced part of their production that stand to benefit from a reduction of domestic trade barriers (Eckhardt 2013).

And finally, amidst the ascendance of the social trade agenda, we have witnessed an increasing involvement of civil society organisations (Young 2007). Following the 'Battle of Seattle', the breakdown of the negotiations for a Multilateral Agreement on Investment and the rejection of ACTA by European Parliament, one cannot neglect the importance of civil society organizations in trade policy. In response to the increasing involvement of civil society organizations, Brian Hocking pointed at the evolution of trade policy-making from a 'club' to a 'multi-stakeholder model' where the latter is more suited to 'embrace the expanding range of constituents with an interest in trade policy' (Hocking 2004, 25). Whereas NGO's are included more frequently in policy processes, such inclusion does not necessarily imply influence. Andreas Dür and Dirk De Bièvre (2007) inquired into the causes of the (lack of) NGO's influence. Their findings suggest that lack of a mandate, the pursuit of unrealistic aims and the outside lobbying activities at the agenda-setting stage limit the effectiveness of their lobbying.

In conclusion, the societal actors involved in trade issues have become extremely diverse. Inevitably not all voices can be heard equally loud. How various interests are aggregated is of critical interest to understand preference formation on trade policy.

6.1.2 Aggregating domestic interests

While the preferences of mobilised interest groups might push into a specific direction; this does not necessarily explain a country's revealed policy preferences. In the end, interests groups do not have the authority to draft and approve legislation. Such authority remains with the state and it is here that we can discover variation among countries. Straddling the fields of IPE and Comparative Political Economy, scholars have increasingly studied the effects of different political institutions on the trade policy (preferences). In these predominantly quantitative studies, institutions often act as a filter or a buffer for the influence of societal pressures. The way in which societal interests are aggregated at the political level determines whether or not the state enjoys autonomy.

In the models thus developed, society and state predominantly interact in parliament and within political parties. As a proto-typical example, it is worth to consider the 'Protection for Sale'-model. Here, a policy-maker weighs the benefits (s)he can obtain (either pecuniary or electoral) from providing protection to societal actors with the overall reduction in aggregate welfare that concurs with such protection (Grossman and Helpman 1994). The factors determining the relative

weight of state and society are politico-institutional factors (Gawande, Krishna, and Olarreaga 2009). Electoral systems (Rogowski 1987), party discipline (Hankla 2006; McGillivray and Smith 1997) and constituency size (R. E. Baldwin 1985; Lohmann and O'Halloran 1994) have all been associated with an increased autonomy of the state. The causal mechanism driving much of these hypotheses focuses on the heterogeneity of interests that are to be aggregated within a public actor. In case of larger heterogeneity, the responsible official needs to internalise the negative externalities that arise when providing protection to one specific interest at the cost of others. Constituency size is the most commonly used example. As the US President is elected by the entire country he is considered to be more attuned to the public interests as opposed to particular interests and hence in favour of free trade.⁵⁶ A senator is –on average- elected by a larger constituency than a representative from the House of Representatives and therefore it has been asserted that the Senate is less protectionist (Bailey, Goldstein, and Weingast 1997; but for a critique see Karol 2007). The argument for party discipline works in a similar way. Strong discipline implies that political parties need to internalise the negative externalities that arise when providing protection to the interests of one party member's constituents to the detriment of others. Strong party discipline enables a party's leadership to squelch particularistic demands. While most of these studies focus on one specific trait of the political system, others have suggested a more holistic approach looking at different characteristics simultaneously. Sean Ehrlich for example focuses on the concept of access points. Access points are defined as *"policymakers with power in a particular policy sphere who are susceptible to interest group lobbying"* (Ehrlich 2007). A growing number of such access points increases demand for electoral and financial support, allowing more interest groups to successfully engage in lobbying activities. Others have studied the number of veto-players as an intermediating factor to explain the relation between unemployment and protection from trade (Henisz and Mansfield 2006). Thus, it was shown that political systems with many veto points are more able to resist demands for protection.

All of the explanatory models above were inspired by the American political system and transposed to a wider context of OECD (and developing) countries. Whereas a focus on the

⁵⁶ It is important to keep in mind that the assumption that free trade contributes to aggregate welfare is just that: a simplifying assumption based on an economic argument. As with any assumption, it may well be questioned both from a political (Sen 2005) as well as an economic perspective (Rodriguez and Rodrik 2001).

legislative system makes perfect sense from an American perspective⁵⁷, when studying the European member states its adequacy severely diminishes. The member states have delegated authority over the CCP to the European Union. As a result, national parliaments have no direct involvement in the trade policy-making insofar the negotiations remain within the remit of the exclusive competency. Direct control by national parliaments only occurs when leapfrogging their respective governments (Kerremans 2011a; Nielson and Tierney 2003). Whereas control can be exerted across the chain of delegation, we are more likely to discover meaningful variation by focusing on the most proximate principal of the Commission i.e. the governments that are represented in the Council.

Building on the comparative tradition described above, is therefore not particularly useful when aspiring a comparative analysis between the European member states. Instead, an explicit focus on the functioning of national executives would provide more leverage.

6.2 Towards a comparative approach in studying trade administrations

But how does the functioning of a trade administration varies from one member state to the next? The limited information on this subject warrants an exploratory, qualitative research design (see 6.3). The first stage in the explorative investigation is the determination of a 'topic list': a relatively stable set of questions that will be used in each of the interviews. To elaborate the topic list, other work in executive politics and comparative public administration can provide more leverage. In the end, four topics of inquiry are selected. Each topic will be discussed in more detail below.

6.2.1 Topic 1: Involvement of different public actors

Trade is a horizontal policy meaning its decisions affect and are affected by a range of other policy domains. As a result a wide range of Ministries can assume authority over (parts of) the drafting of a position. The regulation of competition on the internal market and the tackling of market barriers abroad are of great importance to a wide range of economic actors in society. By consequence, it seems only naturally that the Ministry of Economy is involved in decision-making on trade. In assessing the propensity of the EU to use its market power for the achievement of foreign policy goals, Meunier and Nicolaïdis concluded that *"increasingly, the EU does exploit its*

⁵⁷ In the United States, US Congress retains full authority over external trade. The decision to grant the President the authority to negotiate on its behalf, the so-called 'Fast-track'-authority, is limited in time and conditional on congressional approval. At the time of writing, the USTR has not been enjoying such fast-track authority since July 2007.

formidable trade power to pursue non-trade objectives through conditionality" (Meunier & Nicolaïdis, 2006:922). This sentiment was corroborated by Martin Holland as he noted *"(..) trade has become pervasive, touching almost all aspects of EU policy, both internal and external (..)"* (Holland, 2002: 140). As a result, we can expect that trade is also of potential concern to the Ministry of Foreign Affairs (MFA). In addition to the Ministry of Economy and the Ministry of Foreign Affairs, other state actors are also affected by developments in trade policy. The levying of customs duties has long been a task of the finance and taxation ministries. State support for agricultural producers is highly contested in international politics compelling the involvement of the Ministry for Agriculture. For a comprehensive trade agreement, the European Commission involves up to 10 of its Directorates General (EuropeDirect, personal communication, March 2011).

Knowing which ministry assumes authority over trade can foster greater understanding of the internal policy formation process and ultimately the positions taken. The literature on 'Bureaucratic politics' has emphasised that interests of a public actor can also be derived from the bureaucracy within which one is located, that is: *'where you stand is where you sit'* (Allison and Halperin 1972; Clifford 1990; Halperin and Clapp 2006). A first topic of inquiry for the exploratory analysis shall therefore be the involvement of various public actors in the decision-making process.

6.2.2 Topic 2: Coordination mechanisms

Given the multitude of interests a state can pursue, and given the equally great variety in public actors to defend such interests, coordination mechanisms are important to understand the outcome of the internal decision-making process. In the area of public administration the importance of horizontal coordination is uncontested as it has been claimed to be 'the holy grail of public administration' (Peters 1998). The way in which the MS coordinate EU policies at home displays considerable variation (Kassim, Peters, and Wright 2000). Coordination does not only matter to understand the policy positions taken, but also affects the speed by which a policy position can be formulated (Dimitrova and Toshkov 2007; Johansson and Raunio 2010; Panke 2010a; Schout and Jordan 2005, 2008).

As suggested in the previous discussion topic, there are potentially many ministries involved in trade policy-making. Studying the internal coordination processes might thus shed new light on e.g. the trade-off between foreign policy and economic goals (see also Copeland 1996). While I do recognise the possibility of centralised trade administrations that assume full authority over trade; still, even in these cases, it might be interesting to understand whether and how they

interact with other ministries. In this regard, the (dis)advantages of having an isolated trade department has also attracted scholarly attention (Ozdem and Struett 2009). A mapping exercise of the coordination processes of trade administrations was executed by Jordana and Ramío (2003) for 12 Latin-American countries. They thus defined three categories of coordination based on the existence of a formal coordinative body and its ability to reconcile diverging interests.

Applications of such coordination to the case of national trade administrations in the EU member states are still missing. EU studies on coordination processes in trade have focused mostly on the various Directorates-General of the European Commission (Frennhoff Larsén 2007; Levermore, Gibb, and Cleary 2000). National coordination of EU trade policy still remains uncharted territory. One more reason warranting the following pilot studies.

6.2.3 Topic 3: Human resources

The aspect of a public administration that has attracted most attention in comparative political analyses is the human or financial capital of which the ministry or department disposes. The number of staff in the permanent representation (Damonte and Giuliani 2012; Giuliani 2003; Kassim et al. 2001) or the available staff and budget of responsible line ministries (Panke 2011). One specific type of capacity is of particular interest here: that is the ability to engage in evidence-based policy making or policy analytical capacity (Howlett, 2009). The importance of integrating (academic) research in trade policy has been emphasised in recent research (see e.g. Tussie, 2009). The use of impact assessments as a tool for governance is but one example thereof (Radaelli, 2007). The quality of input brought into the policy process and the manner in which such data has been critically assessed and aggregated determines to a large extent whether an administration can accurately derive their interest in a trade negotiation.

Hence, I will focus on human resources in a broad sense. That implies not only the quantity of the trade officials involved in the policy process, but also the training they enjoy, the overall experience retained and the robustness of the policy network in case a trade official should leave the network.

6.2.4 Topic 4: Relation state-society

The aforementioned institutional approaches to IPE, studied how variation in parliamentary systems affect the extent to which the state could act autonomously from societal interests. Succinctly formulated in the protection-for-sale model, policy-makers balanced the contributions from particular interests with the reduction in aggregate welfare. In the discussion thus far the

relation between state and society has been one of conflict where either societal interests or state interests prevail.

The increasing role of non-state actors in the policy process has often been interpreted as implying the decline of the state (Strange 1996). State and society are, however, not always involved in an antagonistic relationship each trying to get the upper hand in a struggle for power. Peter Evans (1997) suggested that –while the eclipse of the state might be a possibility- the relationship between state and society also exhibits synergies. Skocpol and Finegold’s account on Herbert Hoover’s term as minister of commerce, exemplified an era in which a more cooperative relationship between business partners and government had been enhanced at the initiative of the Minister (Skocpol and Finegold 1982).

State-society relations have been subject to much research and a plethora of categorizations have been suggested. Atkinson and Coleman (1989) distinguished between eight types of state-society relations depending on the mobilization of interests, the autonomy of the state and the degree of concentration of authority. Next to state-centric and pluralist (or society-centric) models, they also focused on corporatism and concertation⁵⁸ as additional models of state-society interaction. Work by Peter Evans (1995) confirmed the intricate relationship between the state and society in Korea as he linked it to their industrial development. A relationship he termed ‘embedded autonomy’. With this concept he emphasised the autonomy of the state as opposed to capture from society while at the same time being thoroughly embedded in said society.

These four topics form the core around which the interview questions are built. In Appendix III you can find the complete list of questions. Keep in mind that these questions varied slightly across countries to account for the different context and allow respondents to verify, elaborate or expand on earlier responses. Having identified the different dimensions of the trade administration that will be explored, the next section will elaborate the research design and more specifically the member states selected for the pilot studies.

6.3 Research design

To obtain a deeper insight into the functioning of national trade administrations, an exploratory research design will be applied. A series of qualitative pilot studies were conducted to gain a

⁵⁸ This type of state-society relations is a collaborative policy-making network where both the state enjoys autonomy and societal interests (and most specifically, business associations) are well represented at the same time. As a typical example of a country where concertative networks are common, Atkinson and Coleman referred to Japan during its rapid economic development.

detailed understanding of how the different member states formulate their position on matters of trade. The goal of these pilot studies is to derive a series of indicators which can be gathered for all 28 member states in a later stage of my research. With that purpose in mind, I selected three member states (Belgium, Estonia & Spain) in an exploratory diverse case study design in the hope of finding as much variation in as possible (Gerring 2007; Seawright and Gerring 2008, 300–301). An additional, supplementary case was added in a later stage (Poland). Three variables guided the case-selection. Firstly, the date of accession: on the process of Europeanisation we would expect older member states to have adjusted their trade administration more to the multi-level decision-making system. A second indicator is size: differences in economic and political weight can give rise to different modes of organizing the trade administration due to economies of scale or a larger heterogeneity of economic interests to defend. And finally, I expect that differences in the type of interests to defend (trade liberalization or trade protection) could affect (or be the result of) the way an administration is organised. To classify member states, information was drawn from Elsig (2010: 788) where the author mapped the ideological position of the different (old and new) member states on the basis of the member states' reactions to the Commission's Green Paper Questionnaire on anti-dumping reform (European Commission, 2006).

Table 9: Country selection for pilot studies

	Belgium	Spain	Estonia	Poland
Date of Accession	1952	1986	2004	2004
Size	Medium	Large	Small	Large
Ideological position	Mixed	Protective	Free Trade	Mixed
Centralisation	Decentralised	Centralised	Decentralised	Centralised
Coordination ambition	Comprehensive	Selective	Selective	Comprehensive

As an additional control to ensure that the selected cases cover a large diversity in national systems of trade coordination, I used two indicators from the large cross-comparative research of Kassim (2003) as expanded by Gärtner, Hörner, & Obholzer (2011). Within this research, member states are categorised on the basis of two dimensions i.e. centralization and the ambition of coordination. Centralization reflects the presence of specialised institutions within the centre of government responsible for coordination. Centralised systems are characterised by a desire to speak with a single voice. The other dimension, 'coordination ambition', points to the degree in which member states pursue coordinating a position on all issues tabled for discussion (comprehensive) or only on a limited number of such issues (selective). From the table above, it

becomes clear that the selected member states, Belgium Spain, Estonia and Poland, differ according to the three dimensions and also capture all four possible configurations of centralisation and coordination ambition.

Semi-structured interviews are the preferred method to gather data. The ability to deviate from a fixed lists of questions, the possibility to cross-validate previous findings while maintaining focus is desirable to systematically map variation across the cases. The topic-list used to structure the interviews has been elaborated above. Data gathering took place in Spain (Madrid), Belgium (Brussels), Estonia (Tallinn) and Poland (Warsaw) between May and November 2012 through a series of face-to-face interviews. I received assistance from Miss Katarina Sazonkina in the data-gathering process. She was responsible for the Polish interviews which were conducted following the same topic list. In total, twenty-six interviews were thus conducted which lasted between 41 and 83 minutes. Respondents were selected to cover the most important ministries. In the majority of cases, the interviewee was the head of the concerned policy unit, ensuring both a comprehensive understanding of their role in the broader policy process as well as the experience to provide ample examples.

6.4 Results

The cases of Spain, Belgium, Estonia and Poland will be discussed in sequential order, focusing on the four topics distinguished above. A comparative discussion follows at the end and elaborates the broader comparisons to be drawn across the cases.

6.4.1 Spain

[A] Public actors involved

In Spain, external trade policy falls under the responsibility of the Ministry of Economy. Within the *Ministerio de Economía y Competitividad*, a Secretary of State (*Secretario de Estado*) is responsible for all matters trade. One directorate general is responsible for dealing with external trade (*Dirección General de Comercio e Inversiones (DGCI)*) while another one focuses on matters of internal trade. Trade policy has never had its own ministry since Spain's accession to the EU. Instead, it has always been headed either by a State-Secretary or a secretary-general (Interview, TO#8). The Secretary of State also represents Spain during meetings of the FAC Trade. This used to be different before Lisbon when the Ministry of Foreign Affairs or Prime Minister would often be the responsible delegate.

To construct a position on trade, the DGCI relies on a range of sub-directorates to provide the necessary input for the various chapters of the trade agreement under negotiation. More specifically, the sub-directorates on agriculture, industrial goods and services are responsible for deriving the Spanish position for their respective sectors. In addition, there is a separate cell that focuses on issues of trade defence and tariff measures. This cell also provides assistance with regards to more technical issues such as rules of origin (Interviews, TO#4/5). Finally there are also a set of sub-directorates organised along geographical lines.

External trade –like foreign affairs- belongs to the exclusive competency of the Spanish State. However, a number of areas which feature prominently in trade negotiations (e.g. Agriculture and Fisheries) could necessitate coordination with sub-national entities. In correspondence with the ministry of fisheries, it was made clear that there is a clear differentiation between the federal and regional competences (Personal communication, 31/05/2012). This suggests that authority on trade is highly centralised within a single ministry which is not contested by regional and federal ministries.

[B] Internal coordination

Within DGCI, the sub-directory for EU affairs is responsible for coordinating and defining the Spanish position on European trade issues. In weekly meetings, the representatives of each sub-unit provide their contribution to the formulation of the Spanish position. Conflicts and priorities are largely dealt with through these internal coordination meetings (Interview, TO#2/3/7). In other words, coordination largely takes place within the secretary and between the relevant sub-directorates concerned.

Authority on trade is highly centralised within the Ministry of Economy and Competitiveness. Even though boundaries between competencies are strongly respected, the horizontal nature of trade policy necessitates at least some degree of coordination across ministries. This coordination is largely informal and occurs first and foremost at the level of the different sub-directorates. In determining the Spanish position on trade in agricultural goods, the sub-directorate is in constant contact with the Ministry of agriculture and fisheries (Interview, TO#5). Likewise, the location of the trade administration within the same building as the Ministry of Industry also facilitates the exchange of information.

Moreover, due to the intense interaction with sectorial organisations (see below), the scope for potential conflicts is even more limited. Significant overlap between the organisations consulted

by the various sub-directorates and those consulted by the other ministries, odds are slim that an inter-ministerial conflict arises.

When a conflict does arise, it is mainly due to the setting of priorities. To resolve such conflicts, the Ministry of Foreign Affairs steps in as a mediator. Such cases are quite rare and can be quickly resolved through informal meetings (Interview, TO#8).

[C] Human Capital

Staff within the Ministry consists mostly out of civil servants with a specialised economic training. These *técnicos comerciales y economistas de estado* are selected through an exam for which the passing rate varies between 10 and 15 %. The second largest group within the trade administration consists out of trade diplomats (*diplomados comerciales*). In both cases, the entrance exam is focused on macro- and micro-economics but differ largely in the depth of topics to be mastered. The requirements for trade diplomats in terms of economic expertise are less challenging (Interview, TO#2). A third, significantly smaller group is the SOIVRE. This corps is tasked with quality assessments of imports and exports and often has a background in the more exact (bio-) sciences. Their expertise within the trade department is largely located in the SPS and TBT arrangements.

Overall, the average experience is well above 10 years. As one respondent replied: “It almost takes two, three years before you can really contribute” (Interview, TO#4). While this can be a challenge for the trade diplomats who are involved in a rotation system, respondents indicated that the mobility of staff can also facilitate the creation of knowledge networks. In the first place this occurs between the different sub-directorates, but opportunities also exist to act as a trade liaison officer in alternative ministries or to be part of a foreign mission as a trade official. Personal networks are easily created this way (Interview, TO#2). Recently, a new cell has been created that deals exclusively with the assessment of trade policy through the analysis of (trade) data. This was deemed helpful to foster the professionalization of the ministry and undergird policy choices with impact assessments (Interview, TO#3).

[D] State- society

Following the strong division of tasks within the trade administration, most sub-directorates have constructed their own network to engage with private actors. There is, however, a fixed list of some 30 sector-wide organizations that are given a privileged status. These organizations are acknowledged as representative of the Spanish interest in a given sector and are therefore consulted frequently for defining the Spanish interest in trade policy debates. Contacts with these

associations are frequent and informal. Often it takes the form of a quick phone call, but meetings are also regularly established. Active lobbying from individual firms occurs less frequently as they lack the legitimacy on which the sector wide associations can rely (Interview, TO#7).

Similar to the Civil Society Dialogue initiated by the European Commission, the Spanish administration has increased its consultation with civil society organizations. To this end, it established the *Comisión Consultiva de negociaciones comerciales internacionales* since 2008. This commission acts as a platform to exchange information on the general direction of European trade policy. It convenes minimum twice a year and is the main consultative body with the broader civil society. Taking part in these meetings are labour Unions, NGO's, business interests and academics (Interview, TO#3).

6.4.2 Belgium

[A] Public actors involved

The Belgian trade administration is characterised by a strong degree of fragmentation. Competencies on trade are divided horizontally across different ministries and vertically between the federal and regional level. Main authority is situated within the Ministry of Foreign Affairs that coordinates the national position. The Directorate General for European Affairs (DGE) within this ministry organises coordination meetings, participates in the various formations of the Trade Policy Committee and acts as the main contact person with the European Commission.

One ministry is of particular importance thereto, that is the ministry of Economy. In the past, authority on trade was located within this ministry. Nowadays, it still retains a large part of the technical expertise on trade and continues to play an important role in the policy-making process. Next to providing input on the more technical issues, they also prepare and monitor trade defence and represent the Belgian position in different council working group meetings (e.g. the WPTQ, various ITMs or the Market Access Advisory Committee).

But also the regions play an important role. Since the Lambermont agreement of 2001, authority on trade policy was shifted from the federal government to the three regions (Wallonia, Brussels and Flanders) of Belgium. While the regions have extensive competencies on trade policy, the emphasis is largely placed on trade promotion. They have full authority over the international network of trade representatives. The regions are also involved in defending the economic interests of their region within the DGE coordination meetings. The coordination process between regions and federal ministries is horizontal as all attend these meetings as equals (Interview, TO#10). Other ministries, like the Ministries of Agriculture (also regionalised) or the Ministry of

Justice take part in the coordination if there are specific issues that are of particular concern to them.

[B] Internal coordination

It is important to start the discussion on the Belgian trade administration, by emphasizing that DGE is a directorate within the Ministry of Foreign Affairs in charge of organizing coordination meetings on a range of European policies. For trade, this is done by a small sub-unit i.e. DGE5. This unit is in no way comparable to the Spanish DGCI. With only some 5 employees it fulfils a largely coordinative function.

The central locus of trade policy-making in Belgium is the coordination meeting of DGE. These take place on a Thursday before each meeting of the Trade Policy Committee. For these meetings, all regional and federal ministries (cabinets and administrations) are invited. Mailing lists are being used that include liaison officers in all ministries (both regional and federal). By consequence if issues would pop up in which e.g. the ministry of culture has an interest at stake, they can participate at coordination meetings (Interview, TO#9). Based on the items on the agenda, the ministries decide whether they will attend to defend certain positions. While over thirty people are invited to such meetings, regular attendance (outside the chairs) is limited to the regional trade administrations, the Ministry of Economy, the Ministry of Finance, Ministry of Foreign affairs and the Agricultural ministries (between 10-15 people) (Interview, TO#12). Attendance to and frequency of these meetings varies according to the agenda. Decisions are generally taken by consensus. In case this cannot be achieved in such a coordination meeting, a working group composing of the different ministerial cabinets is convened to strike a deal at the political level. In case they cannot agree, Belgium abstains from any vote. According to a senior respondent, this has not occurred over the last 10 years (Interview, TO#10)

The strength of the (informal) network is crucial for Belgian policy making. All information DGE obtains from the Commission is circulated to a 'trade-mailing list' involving all experts on trade in the different departments (Interview, TO#10/24). Input and reaction from other ministries are essential in deriving the Belgian position. Agendas of, and positions taken in these working group meetings are also circulated to other ministries and open for feedback.

In addition to participation in the coordination meeting, DGE can also create ad-hoc working groups to monitor a specific trade issue in more detail. In case of the ACTA agreement, staff from the ministry of Justice was joined by trade experts of the ministry of economy and DGE to draft a detailed report on the strengths and weaknesses of the ACTA agreement for the Belgian economy

(Interview, TO#10). Coordination also takes place to a lesser extent within the regional ministries charged with trade (Interview, TO#12)

[C] Human Capital

The decision to hire staff is the responsibility of the separate ministries. By consequence, it is difficult to speak of a general entrance exam or a general profile of the staff employed. As DGE is mainly staffed by diplomats, the administration is subject to recurrent changes. At the time of conducting the interviews, two staff members of DGE were in the process of leaving the unit to assume a position in one of the Belgian foreign missions. However, much of the positions to which they rotate to (or from) are trade-related and senior staff often comes back to the national administration.

Most of the delegates representing their ministries have long standing experience in the area of trade. In addition, the majority of policy units in the various ministries dealing with trade also consist of more than one staff member, enabling on-the-job training in the shadow of a more experienced expert. This does not apply to all ministries though. Especially representatives from ministries that have only recently been involved in the trade coordination process are limited in staff. At the time of my fieldwork, the Flemish trade administration consisted out of a single expert responsible for overseeing all aspects of the trade agenda. At the same time, he was in charge of coordinating with societal actors, representing the region and coordinating among the different Flemish ministries (Interview, TO#12).

D] State-society

Interactions between state and society occur at the discretion of the different ministries. The general starting point in a new trade negotiation are the '*Interministerial Economic Conferences*' (IEC) which act as an important first step in formulating the nation's economic interests. These IEC's are a –relatively- recent initiative by the Ministry of Economy which have become standard practice for each (large) trade negotiation the EC proposes to initiate. The senior official responsible for trade within the ministry started organizing these meetings, as he considered it appropriate to use the available expertise and capacity within his administration to develop a comprehensive overview of the economic interests at stake in potential negotiations (Interview, TO#11). Starting from a statistical analysis of available data, business associations are invited to provide input in defining and refining the offensive and defensive interests Belgium has in the negotiation under study. Other ministries are also invited to attend these conferences, although they have a small incentive to do so, as they also participate in the eventual coordination

meetings at DGE (Interview, TO#12). The report that comes out of such an IEC is an important tool to define the Belgian interests at an early stage of the negotiation and act as an important reference point throughout the negotiations.

Making abstraction of the IEC, consultations with stakeholders are largely organised at the discretion of the involved administrations. Each ministry relies on its own network and correspondingly consults most intensely with those groups active in their respective domain. Consultations occur frequently at the initiative of the ministry. Most of the time, these involve national business associations, only rarely do discussions occur with individual or multinational corporations. The Ministry of Economy also disposes of a large database of registered firms to assess the salience of specific initiatives. This database can also be used pro-actively to solicit input from potential stakeholders in the absence of a vocal business association. For a specific trade dispute, the administration used this register to contact companies (many of them SMEs) to inquire into the Belgian interests at stake (Interview, TO#11). Since DGE has a largely coordinative function, direct input from business associations is somewhat limited.

Also at the regional level, large business associations are active within the policy process. The main institution with whom the Flemish administration engages is VOKA.⁵⁹ Through cooperation with the policy unit within VOKA, the administration obtains more detailed information on the priorities and interests of Flemish business (Interview, TO#12). More recently, attempts were also made to integrate the expertise of the Flemish trade promotion agency 'Flanders Investment and Trade' in the Flemish policy network. The underlying motivation being that they are confronted most directly with the concerns and questions of the –often smaller- exporting firms.

6.4.3 Estonia

[A] Public actors involved

Prior to the accession, Estonia had a separate ministry of trade. Repeated reforms have continued to decentralise competencies on trade resulting in various ministries being responsible over different parts of the agreement. Currently, the main authority on trade policy lies with the Ministry of Foreign Affairs (MFA). Representatives in TPC Full Members and TPC Deputies also hail from this unit. With regards to trade in services, it is the ministry of economy that takes the

⁵⁹ This is a large umbrella organization covering many different sectors and counting over 18.000 companies among its members, covering 29 business associations and over 65% of Flemish employment.

lead. By consequence the TPC S&I is attended by two representatives. Also trade defence and the representation in the WPTQ is the responsibility for the ministry of Economy.

In general, competences are clearly distributed according to the various chapters of a trade agreement. The Ministry of Agriculture provides input when it concerns the products belonging to the first 24 chapters of the Harmonised System product classification. Non-agricultural manufactured goods, Technical Barriers to Trade and trade in services belongs to the ministry of economy. The chapter on Intellectual Property Rights belongs to the department of justice. Public procurement is covered by the Ministry of Finance. And insofar as tariff rates are concerned, the Estonian administration depends on a separate agency: the Customs and Taxation Board (interview, TO#14). The number of ministries actively involved can go up to 6 or 7 when we are dealing with a deep and comprehensive free trade agreements (interview, TO#12).

[B] Internal coordination

Coordination for the TPC meetings is the responsibility of the MFA. Internally, they have divided the workload in geographic areas. One person covers for example all the Asian trade negotiations (Interview, TO#13). When the agreement comes up in the TPC, or as soon as concrete texts are available, it is the responsibility of this official to draft a position and request input from the relevant ministries. Internal coordination largely occurs through telephone or e-mail correspondence. Generally this takes the form of a 'cookie'. For each point of the agenda a brief history along with a draft position is prepared. The ministries can then suggest adjustments or provide input where so requested (Interview, TO#14).

Only exceptionally do –bilateral- meetings occur. The process is also more closed and ministries rarely openly discuss or overrule positions formulated by other ministries (Interview, TO#12). Whereas all the respondents were familiar with the MFA, they barely know the other trade experts in the different ministries. The Estonian process of coordination is more closed in comparison to the Belgian case, as it is left at the discretion of the MFA to decide which ministries are to be contacted for input (Interview, TO#15). However, for most issues, there is a clear division of tasks between the ministries. In the end it could therefore very well be that there are an equal amount of ministries involved in the Belgium coordination process.

In the eventuality that conflicts arise, no formal methods of conflict resolution could be recalled. Conflicts are exceedingly rare not only due to the clear division of tasks, but also due to the common adherence to an 'open-minded, liberal trade agenda'. Adjustments to the aforementioned cookies often take the form of a further specification or a more technical wording.

[C] Human Capital

Within the MFA, policy officials are all diplomats. This implies that they change position every three years. This presents a challenge to the acquisition and retention of expertise and experience on trade policy-making (Interview, TO#13). Alternative career paths are being investigated to address this issue and enable rotations within a specific policy field.

With the exception of the MFA, most trade officials are public servants. They have relatively stable careers within the ministries. One respondent indicated she was already in charge of trade policy for over 20 years. If she would leave the office, the administration would be hard pressed in finding a suitable replacement (interview, TO#17). The trade cell in these ministries often comprises of one or two staff members knowledgeable on the particular trade topics. Within the ministry of economy, four people were still working on the EU's trade policy (including trade defence).

Moreover, respondents indicated that policy formation on trade policy issues is but one of the many tasks to be fulfilled. An Estonian respondent explained that almost 50% of her workload consisted out of implementation work. This does not only involve assessing the conformity of new trade regulations with national law or overseeing its implementation but also public service provision. As the expert in their field, they are also the main spokesperson for the public at large. Officials are often approached with questions from businesses about applicable trade rules or need to update the ministry's website (Interview, TO#14). Finally, for those ministries in which trade only plays a minor role, it also occurs that staff is involved in multiple policy networks. In that case, the civil servant's time needs to be spread across different topics.

[D] State-society

To consult with societal stakeholders, the MFA organises a round-table twice a year. At these events, the administration presents the main important developments in trade policy and invites societal stakeholders to voice their concerns or interests.

Outside of these round-table meetings, input from society is often limited. Acknowledging the importance of input from business associations, the respondents frequently reach out. Unfortunately, little response ensues (Interview TO#14). The small scale of the country makes the financial basis to sustain a business association with sufficient policy capacity on trade too narrow (Interview TO#14/16/18). The main exception is the Chamber for Commerce and Trade. This umbrella organization supports trade policy in two ways. Firstly by providing input on many

recurrent issues, but also more structurally by inquiring its members preferences on trade through a (web-) survey.

However, at the same time respondents acknowledged that in a small country like Estonia, one can easily identify the affected firm(s) responsible for bilateral exports based on basic statistics. In that case a quick phone call can help to identify the firm's -and thus the national- interest (Interview, TO#14).

6.3.4 Poland

[A] Public actors involved

In Poland, the Department of trade policy within the Ministry of Economy prepares the Polish position with regards to the EU's external trade policy. Even though the Treaty of Lisbon led to the inclusion of foreign investment in the EU's CCP, a different department remains responsible for investment (Interview, TO#19). For international trade negotiations, internal coordination between the various departments within the ministry is required.

Other ministries are also involved in the policy-making process. Similar to the Belgian and Estonian cases, various 'secondary' ministries have trade departments that contribute to the formulation of the Polish position in trade. The Ministry of Agriculture is such a public actor that regularly contributes to the policy formation process. Also the Ministry of Foreign Affairs plays a role, although this is largely a coordinative function to ensure coherence across the various European policy debates in which Poland is involved (Interview, TO#20). The Ministry of Finance as well as the Treasury also contribute regularly. The latter's involvement is required when trade from state-owned producers is affected by a trade negotiation.

Finally, the Polish Parliament has to be consulted in advance of defending a position at the Foreign Affairs Council (see *infra*). While they have an opportunity to raise questions on the positions defended, their consent is only required when a piece of legislation needs to be approved.

[B] Internal coordination

Two different coordination processes are in place depending on the level of the discussions. (1) For the TPC meetings the line ministry i.e. Ministry of Economy is responsible for the coordination process. The applied process is quite similar to the Belgian case albeit less open for participation. Once the agenda for the upcoming TPC meeting is known, a draft position is developed within the Ministry of Economy. This draft position is then forwarded to all the

relevant ministries and agencies for additional input. Based on the provided input, a new position is drafted which is circulated again to the other trade experts. These can –if so desired- still request adjustments during a coordination meeting which convenes on the Thursday before the scheduled TPC meeting. In the event that the conflict cannot be resolved during this meeting, the issue is referred to an interministerial body. Respondents indicated that this only rarely occurs (Interview, TO#19, #21).

(2) In preparation for COREPER II and FAC meetings, coordination follows a different procedure. Here, the *Komitet do Spraw Europejskich* (KSE) within the Ministry of Foreign Affairs assumes responsibility for the coordination process. By law, all meetings of COREPER and Council need to be prepared by this committee. This committee also informs the Polish parliament of the formulated position before the meeting in Brussels take place. Coordination within the KSE occurs at the Ministerial level. In this case, the line ministry forwards a draft position to the KSE who invites comments from all Directors in the different ministries responsible for EU policies. These directors, then, need to consult internally to identify any concerns. The risk in this procedure lies in the many chains that need to be passed before the trade experts are actually consulted. A respondent explained: *“it occurs quite often that we receive a draft instruction at 8.30 in the morning and we have 30 minutes time to voice concerns or to propose some modifications”* (Interview TO# 21). Moreover, a proposal for modifications requires ministerial approval tightening the time constraint. By consequence, secondary ministries try to influence the policy formation process within the line ministry in advance of the KSE coordination. The majority of this coordination takes place through written procedures. Again, only few instances of internal conflict came to mind.

[C] Human Capital

As a large part of the decision-making process occurs in a decentralised matter, to grasp the available human capital within the Polish administration requires a case-by-case assessment of the involved ministries. As highlighted above, the Department of trade within the Ministry of Economy has the largest responsibilities and expertise in trade and consists of some 26 members. With the exception of a few people who acquired experience in foreign posts (Geneva, Paris or Brussels), the majority of current staff are young graduates with limited prior experience within the public administration (Interview TO#19). Trade departments in other ministries are considerable smaller. There are some 7 staff members within the ministry of agriculture working on trade subjects. In the MFA, only a coordinative function is applied and the number of staff is

correspondingly quite limited. Here, most experts have a background in international economic relations.

[D] State-society

The coordinating units (both within the Ministry of Economy and the KGE within MFA) rarely consult directly with societal stakeholders. This is left to the sub-directorates within the ministry of economy and the secondary ministries. Polish respondents indicated a limited input from business associations. Mainly because they are not aware of what is going on. Hence, the quality of input could be substantially improved. A respondent recalled when trying to solicit input that: *“they really did not have much to say apart from claiming: ‘well, it is very complicated ... the Ministry should do what is best for our interest. We do not have the knowledge, the expertise’ ”* (Interview, TO#21). Other respondents were less clear-cut with regards to the way in which interaction with societal interests take place. When reflecting on the overall functioning of the administration, a respondent was generally positive but pointed out that: *“There is a lot of copy-paste. It would be nice to involve more direct major stakeholders”* (Interview TO#19). When input is limited, policy positions are generally constructed on the basis of previous knowledge.

The limited involvement of societal actors confirms earlier findings by McMenamin who, upon studying Polish business associations argued that Polish business associations had to be built from the ground up after former communist rule and are thus not accustomed to actively lobbying their government (McMenamin 2002).

6.4.5 Summarizing the exploratory case-study analysis

The case-studies reveal considerable variation across the different topics identified. The findings are summarised in Table 10 and will be discussed in more detail below.

With regards to the **involvement of different public actors** the most apparent distinction between the various cases is the degree of centralization of trade authority and trade expertise (1). In Spain, trade policy authority is largely centralised in one State Secretary. In Poland, the Ministry of Economy wields considerable authority while at the same time being dependent on other ministries for input on trade issues; finally in Estonia and Belgium the MFA is largely responsible for coordinating a national position and representing the country in the TPC. With regards to the scope for overlapping competencies (2), this was clearly limited. Nevertheless, in

the case of Belgium, such scope exists due to the regionalisation of trade authority.⁶⁰ In Poland minor overlap was present with regards to the coordination and representation.

The second topic identified was **the coordination processes** among the affected ministries. Here, variation can be observed on three dimensions. Firstly, there is the method of coordination and the extent to which such coordination is formalised (3). In Belgium and Poland weekly meetings take place in person a day before the TPC Deputies convene. In Estonia such coordination largely occurs through e-mail and phone correspondence. In Spain the decision to consult the other ministries is facultative and is the responsibility of the sub-directorates general. A second dimension of variation in the coordination process concerns the nature of coordination (4). In Spain, the line ministry had substantial discretion in the choice whether or not to incorporate the provided input in a resulting compromise position. In Poland, an explanation was required from the line ministry when deciding not to take the input on board.⁶¹ Coordination in such case takes on the form of a consultation. In Estonia, the different positions were largely aggregated without much discussion. Here, the ministries formulate a joint position through coordination-as-aggregation. Finally, the Belgian coordination process is one of 'horizontality', that means that all ministries be it regional or federal are treated as equals. A consensus needs to be struck between the various ministries. All participants to the meeting can openly discuss each issue it considers of relevance to their ministry. Input is thus not merely aggregated by the coordinating body but put up for discussion. This represents coordination-as-negotiation. Thirdly, variation could be noted regarding the manner in which conflicts are solved (5). Whereas the Estonian respondents could not recollect formal mechanisms, there was a clear procedure to be followed in the Belgian and Polish case. In Spain a mechanism existed, but this felt more like an informal rule of procedure. The reason for such 'vagueness' is the limited number of cases where internal discord would amount to highly political discussions.

⁶⁰ The open, horizontal, method of coordination ensures that any regional interest can be defended in DGE's coordination meetings. There are for example the regional ministries of agriculture or the regional ministries of culture and education that can attend the coordination should they so desire. The existence of a separate ministry for trade policy at the level of the regions creates overlapping competencies without strengthening the policy network.

⁶¹ However, if e.g. the ministry of agriculture does not agree with the provided explanation, it can still invoke (ministerial) conflict resolution procedures (see *infra*)

Table 10: Summary of qualitative fieldwork

	Spain	Belgium	Estonia	Poland
Public actors				
<i>1. Centralization</i>	High	Low	Low	Medium
<i>2. Competencies</i>	Clear division	Overlapping competencies	Clear division – risk of gaps	Overlap in coordination
Coordination				
<i>3. Method of coordination</i>	Ad hoc at discretion of sub-directorates	Formalised weekly meetings	MFA asks input – mail and phone correspondence	Formalised weekly meetings
<i>4. Nature of coordination</i>	Consultation - reaffirmation	Negotiation	Aggregation	Consultation & negotiation
<i>5. Conflict resolution</i>	MFA mediates	Ministerial discussion no strong coordinator to decide	Ad hoc	Ministerial coordinating body (KGE)
Human Capital				
<i>6. Quantity</i>	Large	Medium	Very small	Medium
<i>7. Training & experience</i>	Technical and diplomatic corps, life-long career in trade possible	Diplomats (MFA) & Civil servants	Diplomats (MFA) & Civil servants	Civil servants, limited experience
State-Society				
<i>8. Presence of business associations</i>	High	High	Low	Low
<i>9. Interaction</i>	Mixed	Mixed	State	State

Next to the involved ministries and the coordination process, variation was also found with respect to the **available human resources** in the administrations. Here, the contrast between small and large MS did play a role. Whereas in Spain, Belgium and Poland policy units in different ministries consist of multiple experts, this proved to be less the case in Estonia. In addition to the number of staff (6), the time such staff can devote to matters of trade policy-making also varies. Differences also existed with regards to the amount of experience and training that officials could gather 'on-the-job' (7). The obligatory rotation for diplomats was repeatedly cited as a challenge to build up and maintain expertise. In most of the cases, this problem was remedied by rotating within similar positions such as the missions in Geneva, at the WTO or embassies to important trading partners.

A fourth and final topic concerns the manner in which the trade administration **interacts with societal stakeholders**. From the fieldwork, it became apparent that there is a large difference between the member states both in terms of the capacity of business associations to provide useful contributions to the policy process as well as the way in which the administrations engages with societal actors. The focus of existing IPE scholarship on the dominant, constitutive role of interest groups somewhat wavers in light of the Estonian and Polish cases. Whereas the limited involvement of Estonian business associations could easily be explained based on the relatively small size of the economy, the Polish case suggests a more profound cleavage (8). Research has shown that societal organisations are less involved in policy-making in the Eastern member states (Sissenich 2010). The cases confirm this finding. Moreover, variation was also discovered in the manner in which state-society interaction takes place (9). In almost all of the cases policy makers decided to consult with stakeholders and often decided on a case-by-case basis whether or not to follow the advice of the interest groups. A finding which echoes earlier research by Cornelia Woll when describing the Commission's relation with business associations (Woll 2006).

Conclusions

How does a trade administration derive its interest in a given negotiation? To address this question, we have first looked at the available IPE literature identifying the limitations of existing (comparative) approaches. While acknowledging the importance of societal interests, it remains unclear how these interests are aggregated in a trade administration. Insights from legislative processes are not particularly useful in this exercise. For these reasons, an exploratory case study drawing on semi-structured interviews was deemed appropriate. The topic list was determined on the basis of Comparative Public Administration literature and –when available- applications to trade policy.

Ultimately, four cases were selected, Belgium, Estonia, Spain and Poland. The interviews in these member states have enabled me to paint a more detailed picture of how a member state derives a position in external trade negotiations. Moreover, in comparing the four cases, interesting patterns emerged pointing into potentially interesting directions for the ensuing operationalization of administrative capacity in general and deriving capacity in particular.

CHAPTER 7:

ADMINISTRATIVE CAPACITY: CAPTURING THAT ELUSIVE VIRTUE

The fieldwork conducted in the previous chapter already revealed that, to grasp the capacity of an administration to monitor the Commission and derive their own interests, we cannot limit our focus to the responsible line ministry. In many member states, the trade administration is not a monolithic entity but rather a complex network of experts dispersed across a wide range of public and private actors. As a result, relying on straightforward measures like the line ministry's budget or the number of staff it employs; creates a bias in favour of the centralised administrations. In order to account for this diversity, a more holistic approach is required. To this end, the notion of the policy network will be used as a mnemonic device. The first section elaborates the added value to be obtained from such a conceptualization. The second section will focus on identifying the factors contributing to the performance of the trade administration or rather the trade policy network. Where appropriate, the underlying assumptions regarding the drivers of network performance have been specified. The resulting outcome of this discussion is a survey-instrument and a set of five propositions that help to gain additional insight into the obtained survey data.

The data-gathering process will be explained in the third section. Due to limited response on the original web-survey, a reduced version of the questionnaire was gathered through phone interviews. In the fourth section the gathered data will be described and the proposition will be put to the test. The resulting findings will be summarised in a final section.

7.1 Mapping the trade administration as a policy network

From the literature overview and the fieldwork discussed in the previous chapter, it has become clear that to grasp an administration's capacity it does not suffice to limit one's focus on the attributes of the responsible policy unit. To account for the variation in organizational forms, the conceptualization of the administration as a policy network will be used as a starting point (Atkinson and Coleman 1989). The search for comparative measures of monitoring and deriving

capacity is thus preceded by the question ‘what determines network performance?’ But let us first elaborate the concept of the policy network.

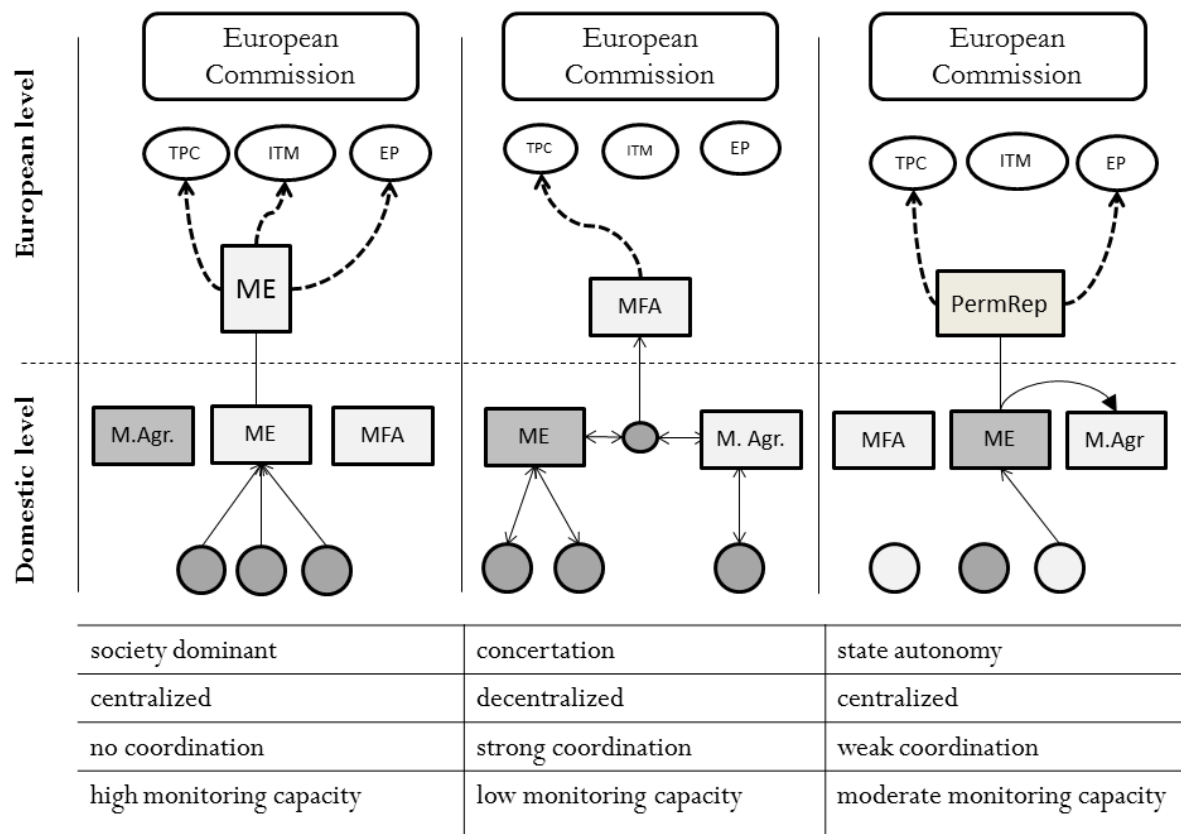
Policy networks are considered here not as a specific functional form or a metaphor but as a general template, a generic model or algorithm from which we can deduce a plethora of organizational forms (Isett et al. 2011, 168). The choice for this interpretation of policy networks, rather than using the more popular ‘network governance’ approach, is driven by its wider, inclusive perspective. Policy networks as interest intermediation is considered a ‘*concept which applies to **all kinds** of relations between public and private actors. For the governance school, on the contrary, policy networks only characterize a specific form of public-private interaction in public policy (governance), namely the one based on non- hierarchical co-ordination, opposed to hierarchy and market as two inherently distinct modes of governance*’ Börzel (1998: 255). The different actors involved in trade-policy making (both public and private) are related through a large variety of hierarchical and non-hierarchical relationships. Confining the analysis to study only the latter type of network ties would reduce the empirical validity of the concepts being used.⁶²

Drawing inspiration from the method of social network analysis, it is possible to distinguish the three primary components of the policy network; these are the nodes, attributes and ties. The nodes correspond to the different actors potentially involved in the network. The attributes reflect the different characteristics of these actors and, finally, ‘ties’ refer to the relation between the different nodes.⁶³ By inquiring into the actors involved, their characteristics and the relationships between them, we can form a complete picture of the functioning of a (trade) administration. This is depicted graphically in Figure 8. The examples are loosely based on the variety discovered in the pilot studies of the previous chapter and seek to provide a simplified, stylised depiction of the policy network.

⁶² I prefer, however, to refrain from using the notion of ‘governance’ for an additional, more pragmatic reason. Already from its inception, governance has carried many interpretations and connotations, a problem also recognised by many of its main proponents (see e.g. Börzel, 1998, 2011; Rhodes, 1996). One such interpretation that has been used quite frequently in the literature is the focus on governance as the opposite of government (Bell and Hindmoor 2012). In this view, governance reflects a ‘*continuum ranging from the most dominated by the state to those in which the state plays no role*’ (Pierre and Peters 2005, 11). This is at odds with the positive-sum game that characterises much of the interaction between state and society. The stronger inclusion of non-governmental players does not mark the retreat of the state (Strange 1996) or the advent of a governance without government (Rosenau and Czempiel 1992), rather it marks a change in the role of the state in the policy process. The state increasingly fulfils the role of a meta-governor, assessing potential weaknesses in the policy-network and seeking adequate remedies (Bell and Hindmoor 2009; Sørensen and Torfing 2009).

⁶³ Social Network Analysis usually distinguishes only between ties and attributes (Scott, 2013). A node does not vary and is only observed once it is connected to the rest of the network through a tie. Hence, ontologically we can focus only on ties and attributes and neglect the concept of nodes. However, for conceptual purposes, it is easier to discuss nodes and ties separately.

Figure 8: Deriving administrative indicators from the policy network



In the examples, we assume three ministries (squares) too hold some authority or expertise on trade policy. These are the Ministry of Foreign Affairs (MFA), the Ministry of Economy (ME) and the Ministry of Agriculture (MAgr). The representative at the European level can monitor the Commission through a variety of sources. In the depicted schedule three such sources were indicated i.e. participation at the TPC, attendance to the ITM's and consulting with European Parliament (EP). The societal interests (circles) also play an important role in the policy network as they can provide more information regarding the likely effects of a trade agreement on their welfare. Variation among the cases is visible with regards to the ministry representing the member state, the existence of a coordination process (the middle panel) and resource munificence. The latter is indicated by a darker colour.

When looking at the actors involved in the policy network, their capacities and the relations between them, we can map a plethora of characteristics of the trade administration. (1) By focusing on the number of public players who play a constitutive role in deriving or defending national preferences, a measure of **(de)centralization** can easily be obtained. The example in the left panel of Figure 8 represents a highly centralised administration – as we have seen in Spain-

whereas the central panel depicts a more decentralised system such as Belgium. (2) **Horizontal coordination** or lack thereof becomes apparent when studying the ties between the public actors in the policy network and can range from a complete lack of inter-ministerial coordination to weekly coordination meetings. (3) As the pilot studies have shown, variation also exists with regards to the **business association's** resources and the quality of their input. (4) Additional dimensions of administrative variation can easily be derived if we take into account that attributes might also distinguish between regional or supranational traits, fiscal capacity, legitimacy etc. These examples serve to illustrate that by focusing on the nodes, ties and attributes, it is possible to construct a wide **range of second-order indicators** regarding the trade administration.

Having presented the argument that the variety of administrative forms can be captured by traits of the network, the crucial challenge remains to identify which measures contribute to high administrative capacity? Applied to the context of a policy network, we can rephrase our question as to: **What determines network performance?** Performance is defined here in much the same way as 'administrative capacity' i.e. based on the functions the administration needs to perform (Provan and Milward 2001). A network thus performs well if it can monitor and accurately derive the domestic interests at stake. While the notion of network performance is quite old (see e.g. Provan & Milward 1995), it has taken some time before public administration scholars have turned their attention to the subject. Based on the literature, the following section will elaborate which factors foster network performance (see e.g. Turrini, Cristofoli, Frosini, & Nasi 2009).

7.2 Operationalizing administrative capacity

Despite its growing importance⁶⁴, most authors studying network performance have focused on networks for policy implementation rather than policy making (Lecy, Mergel, and Schmitz 2013). By consequence, some of the factors of network performance that are being forwarded below find less (empirical) support in the existing literature. Simplifying assumptions are therefore made to enable a clear selection of variables.⁶⁵ For each of these variables, a concrete set of questions is derived based on the pilot studies elaborated in the previous chapter.

⁶⁴ see e.g. Kenis & Provan 2009; Provan & Kenis 2008; Voets, Van Dooren, & De Rynck 2008

⁶⁵ Evidently all of the assumptions made, can be subject to discussion. Nonetheless, it is important to keep in mind that the existing measures of administrative capacity all assume the existence of a central administration thereby creating a bias vis-à-vis the many decentralised trade administrations.

The key characteristic explaining endogenous information asymmetry was the administrative capacity of a member state. Remember that we identified two components of such capacity. On the one hand there was the act of monitoring the Commission while on the other hand there was the act of deriving the national position in an on-going trade negotiation. Each will be discussed below.

7.2.1 Monitoring capacity

To monitor the agent during a negotiation, the principal-agent model has emphasised the importance of various reporting mechanisms. In line with the network approach elaborated above, the frequency by which these sources are consulted relates to the existence and strength of the ties. For many external trade negotiations, member states cannot monitor the Commission directly as trade is an exclusive competency of the EU. This also applies to so-called Deep and Comprehensive FTA's where topics touch both member states' and union competency. For these agreements, the trade components of the agreement are negotiated separately from the issues that fall under MS competency (EuropeDirect, personal communication, April 18, 2013). Member states, therefore, depend primarily on different indirect channels to obtain information on the agent's behaviour. Seeing that each of these sources can divulge new information, a larger diversity of sources can help to clear out the information asymmetry between principal and agent.

Assumption 1: A larger diversity of sources consulted with regards to the Commission's action in negotiations contributes to a higher monitoring capacity.

To map the proficiency of the information network on which a national administration draws, it is primordial to identify the various sources that can be consulted to obtain additional information on the actions and efforts made by the Commission during negotiations. Based on the interviews in Chapter 4 and Chapter 6, I could identify thirteen sources that can be classified in four groups.

(1) The most important source of information on the negotiations is the European Commission. Through **the briefings of DG Trade** within the TPC meetings, the member states can obtain first-hand information with regards to the status of the negotiations, the positions taken and the strategies applied. More recently, informal technical briefings (ITMs) are also organised in the wake of a negotiation round. Attendance to such briefings tends to vary and since no written

report is being supplied, absence can easily lead to an informational disadvantage (Interview, TO#23/25).⁶⁶ Respondents indicated that, in general, the Commission maintains an open relationship with the member states and provides ample information. However, at the same time they had the impression that the Commission only discloses information that it considers relevant, occasionally retaining sensitive information (Interview TO#23/28).

(2) The Commission provides the same information to all principals. While not discriminating in its communication vis-à-vis the different principals, member states can obtain (additional) information through informal, bilateral contacts with Commission officials (Interview, TO #25; Panke, 2010: 803). But also other **European institutions**, such as the Council secretariat or European Parliament, might act as a source of information.

(3) The permanent representation as well as other line ministries can participate in various meetings of the council working parties where information can be gleaned with respect to trade negotiations. By consequence, also **domestic actors** can contribute to a MS' overall monitoring capacity. Among those domestic actors are also societal stakeholders that catch wind of developments in trade negotiations and provide additional information regarding the Commission's actions.

(4) Finally, the EU's **external trade partners** are also a -more sensitive- source of information. A respondent confirmed that direct interaction between the negotiating partner and member states occurs and can –at times- lay bare internal conflicts, weakening the negotiating position of the EU (Interview, TO#25). Having an international presence in the partner country can potentially help to glean additional information on the Commission's actions through its negotiating partner (Interview, TO#27).

To transform this discussion into a concrete set of questions, respondents were asked to indicate the frequency by which they consult a wide variety of sources when monitoring the Commission.⁶⁷ More, diverse sources of information improve a member state's oversight on the Commission during the negotiations. Similarly, the frequency by which such sources are consulted affects the ability of a MS to monitor the Commission and correctly estimate its room of manoeuvre. In other words, the MS need to obtain as many pieces of the puzzle as possible in

⁶⁶ Unfortunately, no attendance records are kept of these meetings and to collect a sufficiently representative sample of meetings would imply data-collection well beyond the time frame of this research.

⁶⁷ The strength of a tie has been repeatedly been measured through the frequency of interaction in the literature (Friedkin 1980; Sandström and Carlsson 2008)

order to fully understand what the Commission is (not) doing. The above overview results in a list of questions on which respondents were asked to indicate the frequency by which they were consulted to monitor the Commission (see Appendix I, Question 3).

7.2.2 Deriving Capacity

'On two occasions I have been asked, "Pray, Mr. Babbage, if you put into the machine wrong figures, will the right answers come out?" Charles Babbage (1864: 67)

In terms of deriving capacity, we can focus on three characteristics of the policy network that can affect its performance. A first characteristic is related to the participation of relevant stakeholders to the policy process. This concerns both societal and public actors. The omission of important stakeholders – structural holes- can result in a weaker performance of the policy network. A second characteristic pertains to the capacity of the involved actors. Finally, the ability to solve internal conflicts is also important to understand whether an administration is able to approximate the 'ideal position'.

Structural holes

Asking the question of who participates in the policy network presents a first step towards the analysis of the network's proficiency in deriving a position. Potentially more important in light of my focus on a MS' ability to derive their interests in a trade negotiation is the question: 'Who is not participating?' The exclusion or absence of specific actors in the network affects both the ability to derive domestic interests as well as the ability to monitor the Commission.

In formulating a position, failure to tap into the available expertise or information of a policy actor will result in sub-optimal policy positions. Such 'structural holes' represent a first factor through which endogenous information asymmetry can occur (Burt 1992). This can happen in the absence of both a public or private actor that holds significant expertise over a specific part of the policy issue. The effect of structural holes on network performance has shown varying results depending on the purpose of the network.⁶⁸ For a policy network, I will assume that, on average, more structural holes results in a weaker deriving capacity as deviations from the 'optimal position' are more likely to occur.

⁶⁸ Depending on the definition of performance, scholars have hypothesised and confirmed a positive effect (Berardo 2009) and an ambiguous effect (Sandström and Carlsson 2008). Whereas structural holes constrained innovation, it was less effective at inducing efficiency. Heterogeneity inhibits cooperation, as it constrains the development of a common language. Since the trade policy network in and of itself only harbours a limited degree of heterogeneity, I think the efficiency gains from a smaller network are limited in comparison to the potential gains to be accrued from expanding the number of actors involved.

Assumption 2: Lack of structural holes increases deriving capacity.

To turn this variable into a survey question, an approach similar to the measurement of monitoring capacity can be used. Here too, a “roster-choice-method” is applied whereby potential respondents are provided with a list of various sources which can be consulted. The pilot studies conducted in the previous chapter enable me to form an elaborate picture on the different (groups of) actors that can contribute to the formulation of a policy position.

So which are the sources that can help an administration to identify its interests at stake? As apparent from the qualitative fieldwork, **multiple ministries** are involved in trade policy-making. Policy coordination can be restricted to different sub-directorates within a large centralised administration or with other ministries. Since the targeted respondents to the survey are national trade officials (see *infra*), I include a question to identify the unit at which the respondent is located. An additional follow-up question was included asking respondents to name a maximum of four ministries that they consider relevant actors in the area of trade. This was deemed appropriate to help identify potential respondents that had not been reached yet.

But also societal interests are important in the formulation of a policy position. To grasp the extent of their involvement, it is interesting to look specifically into what can be considered ‘**less mobilised**’ **agencies and organizations**. The reason to do so is that most member states have some form of institutionalised coordination with large umbrella organizations such as the Chambers of Commerce. By consequence, I expect only limited variation to be found if we inquire into their overall contacts with societal actors. To assess the inclusiveness of the policy network, a stronger emphasis on smaller, less mobilised interests might be more rewarding. From the international political economy literature on trade policy (see Chapter 6.1), we can identify three groups of interests that fall under this category and require more attention when formulating trade policy. These are the concerns of exporting firms, the non-governmental organizations and small and medium sized enterprises. (1) To assess the inclusion of exporters’ interests, I have inquired specifically for the integration of the agencies charged with trade promotion in the policy process. Each member state still retains the authority to engage in activities that enhance the export capabilities of its economy. This also involves helping firms overcome the hurdles they face when trying to access foreign markets. Export promotion agencies are confronted on a daily basis with the difficulties and interests of exporters and are therefore in an excellent position to understand the barriers, interests and challenges of such potential exporters. (2) Non-governmental organisations are also traditionally left out of the trade-policy process (Dür and De

Bièvre 2007; Hocking 2004). (3) Finally, small and medium sized firms and especially those in the services industry have been reported difficult to involve in the policy network. (Interview, TO #23/28).

In addition to public and private stakeholders, a final group of actors that is of interest to this study is **the involvement of political representatives in the policy network**. Unlike the other stakeholders, ministers and their cabinet do not necessarily provide additional expertise, but can grant more political purchase when negotiating in the Council. Distributional policies like trade often involve trade-offs to be made. Clearly, what is considered an optimal trade-off varies across time and across societies. The political representation- either in the executive or in national parliaments- can play an important role as an arbitrator that decides which trade-offs a society is willing to make. In a network analysis of eleven municipal administrations, it was found that politicians are quite peripheral to the network (Alexander, Lewis, and Considine 2011). It would be interesting to assert whether this also applies for a national policy network. From the pilot studies, much variation in time and space can be found with respect to the autonomy of the bureaucracy from its political patrons.⁶⁹ The full formulation of the concerned question can be found in Appendix IV Questions 5 and 6.

Human Resources

The relation between human resources and performance of the network is best clarified by the quote at the beginning of this section. In case the information inserted in the policy network is inaccurate, it is less likely that the resulting outcome will approximate the ideal position, even in the absence of structural holes. When Charles Babbage was explaining the first computer, two politicians confronted him with the question whether the machine might produce correct answers if the wrong numbers were inserted. Unfortunately, when the quality of information inserted into the policy network is low, so will be the result. In terms of the performance of policy networks, a recent literature review discerned a positive effect of the available staff on network performance

⁶⁹ At the Belgian coordination meetings both cabinets and the administrations of different ministries are invited to participate and contribute to the formulation of a position (TO#9, Brussels, 1 August 2012). In Estonia the possibility for political influence was less direct as briefings were more informal and often occur only at the request of the concerned cabinet (TO#17, Tallinn, 22 November 2012). Finally, in Spain, a State Secretary (Secretario de Estado) is in charge of trade policy. He disposes of a proper cabinet which also takes part in internal coordination sessions organised by a specific sub-directorate of the state secretary.

(Walker and Andrews 2013).⁷⁰ Having sufficient staff at your disposal to follow-up on-going debates, to gather and process the wealth of information, and to assess the ramification of different alternative proposals; all can contribute to a MS' deriving capacity.

The munificence of human resources is determined by two factors: the number of effective working hours available and the efficiency by which such time is used. The former increases the amount of information that can be gathered and processed simultaneously and enables specialisation whereas the latter affects the speed by which such data is gathered and enables a more correct assessment of the value of the acquired information. This applies both to public and private actors.

Assumption 3: More human resources increase a member states' deriving capacity

Regarding the availability of sufficient human resources, the interviews revealed that the absolute number of staff only tells part of the story. Especially in smaller member states, the provision of public services can take up a large portion of the trade official's disposable time. Specialization is not always a feasible option. To obtain a better understanding of the different roles fulfilled by each unit and to grasp the time devoted to policy-making, a question is included with regards to respondents' time-use.

The amount of working hours a trade administration can devote to the formulation of a domestic position and monitor the Commission does not tell anything about the efficiency by which these tasks are performed. From the pilot studies, two issues prove particularly relevant here i.e. (a) the accumulation (and retention) of experience, and (b) the provision of training. Regarding the former, we found that acquiring and retaining human capital is a particular problem when key positions are taken by diplomats as they often need to rotate positions every five or six years.

Regarding the amount of training enjoyed, a question was included to inquire into the number of training days in which a trade official participated. While it is less likely that developed countries like the EU member states lack the necessary legal or technical expertise to follow contemporary trade discussions, differences might still be observed. This can, for example, be reflected in their ability to engage in evidence-based policy making (Howlett 2009). The growing importance of

⁷⁰ In a configurational analysis of network performance, resource munificence did not constitute a necessary condition for network performance. That is not to conclude that resources did not play an important role, but rather that its effects are more differentiated (Raab et al., Forthcoming: p. 26).

impact assessments as a tool for governance emphasises the significance of a (technical) capacity also in developed economies (Radaelli 2009).

All the above observations are equally applicable to societal actors. Many small business associations lack the staff to monitor every development in European policy. They miss the legal or technical expertise on trade regulations or face difficulties in soliciting sufficient input from their broader membership. Here, internal coordination, the presence of a policy unit with sufficient trade expertise or even financial capabilities to outsource these functions to law firms, are important drivers for the input national administration can expect from private actors. The pilot studies revealed that such input is often lacking or of low quality. In combination with the frequency of consultation, it is therefore interesting to include a question in the survey polling the quality of the information trade officials obtain from business associations. As the targeted respondents of the survey are trade officials in the domestic administrations, questions related to societal actors' available resources cannot be adequately addressed. Instead, information was gathered with regards to their assessment of the input provided by the stakeholders in society. The corresponding questions can be found in Appendix IV Q9-13.

Coordination Processes

A final trait of the policy network that can affect its performance is the way in which the various public and private actors combine the available information. Coordination is crucial for a cross-cutting policy such as trade. Expertise is often dispersed across a wide range of actors. The intensity of coordination has been shown to positively affect network performance (Cristofoli, Markovic, and Meneguzzo 2014). Coordination processes determine how different perspectives are combined into a single coherent position. All of the actors involved in the policy network possess only a small part of the equation that needs to be solved in order to derive the optimal position. By consequence effective coordination is required to make all the pieces of the puzzle fall into the right place.

Assumption 4: Effective coordination improves deriving capacity

But what determines effective coordination? The three dimensions of coordination elaborated in the pilot studies can provide leverage. These concern the nature of coordination, the frequency and method of coordination and the availability of a formal method for conflict resolution. Regarding the nature of coordination, I made a distinction between coordination-as-aggregation and coordination-as-negotiation. The former occurs when a central coordination unit merely combines the input from the different ministries, whereas the latter applies to cases where

coordination results in adjustments to prior positions and compromise solutions on the basis of internal negotiation. The degree to which different public actors can contribute or alter positions varies across the countries examined. While authority and competencies are respected in most cases, it is only natural that interests do collide and require coordination. From the pilot studies, it became clear that we can find large variation in the scope and intensity of coordination. For example, during coordination meetings in Belgium each ministry can raise an issue or voice a concern. In Spain the autonomy of the lead ministry is widely respected and instances in which secondary ministries sought to change a position were quite rare. Poland was somewhere in the middle. I expect coordination-as-negotiation to enhance deriving capacity as most trade discussions have a distributional impact (some gain, while others lose). Assessing the relative weight of each of these arguments can only become apparent through internal discussion and debate.⁷¹

A similar distinction applies to the relation between societal interests and public actors. Coordination-as-aggregation in this context conforms to the idea of policy-makers as transmission belts of societal interests. Here, the policy-maker calculates the resultant of the different societal forces to which it is exposed and delivers that policy. By contrast, coordination-as-negotiation can be likened to a concertative relation between state and society. In such a situation, interest groups have sufficient capacity to provide useful input, while the state retains a high degree of autonomy and power is highly concentrated (Atkinson and Coleman 1989). I associate such a state-society relation with higher deriving capacity for the following reason: if we assume that all interest groups have an inherent tendency to overstate the importance of their interest, the administration must remain sufficiently autonomous and critical when engaging with mobilised interests to avoid capture. This might even imply consulting additional actors in society that have not been able to mobilise. At the same time, the input from societal actors remains important for the policy-maker to derive a position. Public-private interactions in the policy network vary in nature. Earlier discussions made clear that the mode of interaction does not always conform what has been described as 'pressure politics' (Woll and Artigas 2007). Businesses do not only pressure policy officials, rather the contrary. On many occasions public officials contact private actors for information. According to Woll and Artigas, this is partly driven by the regulatory turn in trade

⁷¹ Keep in mind though that overlapping competencies might also result in inefficient administrations due to the requirement of twice the amount of human resources.

policy. The survey will inquire into the initiator of public-private interaction as an approximation of the nature of interaction (pressure politics or concertation).

A second aspect of coordination that can affect an administration's deriving capacity relates to the method and frequency at which coordination takes place. The pilot studies revealed that some member states convene in person to discuss and prepare a national position, while others only coordinate a position through e-mail correspondence. I expect that personal meetings enable more discussion and can thus contribute to deriving capacity. In addition, such personal (informal) meetings can also generate the necessary trust among participants of the policy network to enhance coordination (Provan and Kenis 2008).

The third aspect of coordination pertains to the existence of formal methods of conflict resolution. Seeing that in many cases conflict resolution was the subject of 'ad hocery', and seeing that the procedure was often a corollary of the broader coordination process, I decided not to include additional questions on this subject. The resulting survey can be found in Appendix IV Questions 7, 8 & 14.

7.2.3 Formulating propositions

Based on the discussion of the pilot studies in the previous chapter, and given the broader literature on member states' capacity, it is possible to formulate a series of propositions. The first two propositions are related to the size of the country. Often it is assumed that larger countries have a natural advantage over their smaller counterparts. The costs of attending a negotiation round abroad, the ability to maintain foreign trade missions, or the financing of various impact assessments; each is less constraining for member states with a large budget.

Table 11: Propositions regarding Administrative capacity

Proposition 1	Larger member states have higher monitoring capacity than smaller member states
Proposition 2	Larger member states have higher deriving capacity than smaller member states
Proposition 3	Former communist member states have a lower deriving capacity than member states with a market based economy
Proposition 4	Trade administrations led by the Ministry of Foreign Affairs have lower deriving capacity than administrations led by an economic Ministry.
Proposition 5	Member states with high monitoring capacity also dispose of high deriving capacity

The third and fourth propositions exclusively concern deriving capacity. The third proposition relates past communist rule to divergent deriving capabilities. The underlying causal mechanism is the involvement of interest groups. From the pilot studies, we found that both Estonia and Poland are confronted with limited input from societal stakeholders. This observation was not an isolated instance as earlier studies have suggested a flattened civil society in the wake of the communist era (McMenamin 2002). Through more systematic data-gathering, we can assess whether this finding can be generalised to a broader population of national trade policy networks.

A fourth proposition posits that MS that are led by the MFA have lower deriving capacity. The causal mechanism underlying this assertion is related to the challenge of high staff turnover. During my fieldwork I was repeatedly confronted with the issue of rotating diplomats. This problem manifested itself in respondents' refusal to participate in my survey due to lack of experience or in the observation that trade officials were often 'moving targets' rotating in and out of the administration. Trade administrations led by the MFA are confronted with a challenge that is less pertinent for administrations where the lead-ministry is populated by civil servants.

A fifth and final proposition seeks to inquire into the relation between both components of administrative capacity. When elaborating the theoretical framework in Chapter 3- the hypothesis was formulated that higher monitoring capacity is associated with higher deriving capacity. In other words, cases of 'asymmetric capacity' were deemed improbable as both tasks were performed by the same policy network.

7.3 Data Collection

Whereas monitoring is mainly the responsibility of the MS representatives in Brussels, the determination of a national position is something that largely takes place domestically. The respondents for monitoring and deriving capacity only overlap in the function of the TPC representatives. As a result, the battery of questions related to monitoring was inserted in the survey measuring the member state's signalling tactics. For an overview of the data-gathering process and the resulting responses, I refer the reader to the third section of Chapter 5.

For the second sample the population is less clear-cut as it concerns all staff working on trade issues. To obtain sufficient responses I **originally targeted snowball sampling**. This choice of method has one main disadvantage; and that is the difficulties obtaining a representative sample

of the population. If only one of multiple ministries involved answers the survey, the survey can create biased results. The challenge is to reach the different cliques that are isolated from each other. Due to respondents being asked to indicate other involved units, it is also possible to determine the saturation point of the snowball method. This questionnaire was translated into French and German and made available as an online survey. I distributed the link to the different national trade administration with the request whether it would be possible to circulate the survey within the administration. On the basis of organograms, I looked for contact information of the director responsible for the trade policy unit or –when unable to find it- contacted the corresponding TPC Member. After repeated invitations, response was still abysmal. Only eight member states responded with two or three responses.

By consequence an **alternative strategy** was employed to collect data for the operationalization of deriving capacity. This alternative strategy comprised of selecting a limited number of questions of the larger survey to ensure that earlier obtained data could still be used for further analysis. These questions were also selected with the goal of reducing potential respondent-bias. That is, questions should have a high probability of obtaining the same answers within the MS regardless of the trade official to be interviewed. In the end, five topics were selected: I inquired into (1) the number of ministries with whom the line ministry coordinates on a continuous basis (more than once a month), (2) an estimation of the total staff members within the policy network, (3) the quantity and quality of societal input, (4) the method of coordination and (5) the existence of administrative constraints (bureaucratic hurdles, staff turnover). The questions used for the phone interviews can be found in Appendix V.

To gather this data, I conducted 12 telephone interviews which lasted between 10 and 25 minutes depending on the amount of follow-up questions that were required to apprehend the national coordination system. For those member states that participated in the survey, I used the filled-in questionnaires to derive the indicators.⁷² Ultimately, responses were obtained for 22 member states, out of which twelve through telephone interviews, eight by the web-survey and two based on the qualitative pilot studies. They cover small and large, old and new member states and can be considered representative of the whole EU.

⁷² Since I used the exact same questions for the interviews, I consider pooling can be done without a major risk of creating biases.

7.4 Data-analysis

7.4.1 Monitoring capacity

Monitoring capacity was operationalised through the frequency by which the respondents made use of a variety of sources to monitor the Commission during the negotiations. To obtain a first impression of the importance of the thirteen sources of information identified in the survey, Table 12 provides summary statistics for each source. Four findings are worth pointing out. First and foremost, the **briefings by DG Trade**, both in the TPC as well as the ITM are crucial sources of information. That the TPC functions as an important forum to exchange information between Commission and member states was already quite well-known and is re-affirmed by the data.

Table 12: Summary statistics: Monitoring Capacity

Monitoring Source	Mean	Min	Max	Variance
a. Briefings within the TPC	5.26	4	6	0.88
b. Informal Technical Meetings	4.87	2	6	1.26
c. Bilateral contacts with Commission officials	4.18	1	6	1.14
d. Other DG's within the Commission	2.69	1	6	1.10
e. Council Secretariat	3.03	1	5	1.11
f. European Parliament	2.85	1	5	1.08
g. Other Member State Representatives	4.69	2	6	0.92
h. Colleagues from within the (line) ministry	5.21	1	6	1.09
i. Colleagues from other ministries	4.54	1	6	1.19
j. Permanent representation	5	2	6	1.14
k. Your embassies abroad	3.72	1	6	1.23
l. The external negotiating partners	2.69	1	6	1.24
m. private stakeholders	4.11	1	6	1.13
Monitoring 1	61.27	24.62	90.77	14.04
Monitoring 2	51.72	17.14	88.57	15.51

The importance attached to the Informal Technical Meetings is quite surprising. Seeing that these meetings take place outside the formal context of the Council and seeing that their frequency has increased; it would be desirable to inquire deeper into the role of these ITMs. A second

observation that catches our attention is the important role played by **domestic policy actors** such as private stakeholders, colleagues in the line ministry and the permanent representation. This can be interpreted as a consequence of the close interrelatedness between monitoring and deriving. That is: respondents might have interpreted the question as an inquiry into the sources used to evaluate the gap between the MS' preferences and the Commission's negotiating position rather than just obtain information on what the Commission is doing. In light of such interpretation, input from societal actors, line ministries and the permanent representation are indeed vital components. A third observation pertains to the limited dependence on the other **European institutions**. European Parliament, Council Secretariat and the other DGs within the Commission are consulted considerably less frequently. The fourth and final observation worth emphasising is the large **variation in** member states' **importance** attached to various methods of monitoring. The ITM's, other DG's within the Commission, foreign embassies and external trading partners harbour the largest variation.

In constructing an aggregate indicator of monitoring capacity, two measures were calculated. One was a simple average of all thirteen items.⁷³ The second measure is a more conservative indicator removing all items that might have been subject to misinterpretation or that risk overlap with the dependent variable.⁷⁴ For both cases, the Cronbach's alpha was quite high with values of 87% and 84% respectively. The Cronbach's alpha is a measure of internal consistency with higher values suggesting that the various items used to construct the scale, measure the same latent construct (monitoring capacity).⁷⁵ In a similar fashion as the Signalling Indices, the monitoring indicators were rescaled to correspond to a scale from 0 to 100.

To test the first proposition i.e. that larger member states are better able to monitor the Commission during external negotiations, I ran a series of bivariate regression models with bootstrapped standard errors (5000 iterations). As independent variables, I used the log of population and GDP per capita. Data was obtained from the World Development Indicators of

⁷³ The reason not to apply weights is simply because I have no a priori assumptions as to the value of the various sources. For the 39 respondents, only two did not complete the entire list of questions regarding monitoring. Of all the listed monitoring sources, 3 items were not answered by all respondents. Data was imputed for these cases using all the other items as independent variables.

⁷⁴ The items excluded were those related to the domestic administration and those that also featured in the dependent variable. These have been marked in grey in Table 12

⁷⁵ I also applied data-reduction techniques to inquire whether it would be possible to distinguish sub-dimensions of monitoring capacity. However, the resulting components did not make much sense from a theoretical perspective.

the World Bank. The results in Table 13 report the obtained coefficient as well as the bootstrapped standard error.

Table 13: Bivariate regressions Monitoring capacity and size

	Monitoring (Respondent)	Monitoring (2) (Respondent)	Monitoring (Country)
Population	2.19 (1.80)	1.47 (1.94)	0.64 (2.24)
GDP/Cap	0.81 (1.45)	0.95 (1.61)	0.93 (1.52)
Information (ISP)	0.12 (0.26)	0.05 (0.28)	0.071 (0.29)

The lack of any significant result clearly illustrates that monitoring capacity is not explained by the size of a MS or its level of development. This is important, as it suggest that countries, do not gain an advantage in monitoring what the Commission is doing because of size-related effects. In a sense, this does not need to surprise. Whereas multiple staff members can help in formulating a policy position or assist in the consultation of relevant stakeholders in society, the additional information to be obtained by attending a TPC or ITM meeting with multiple staff members is limited. While the available budget may play a role in multilateral negotiations, for the majority of cases we can expect monitoring capacity to be affected more by the skills of the national representative assuming that position.

The table also reveals that monitoring capacity is not correlated with the ‘Information’ variable of Stephanie Bailer’s Power Skills Information data. This may be due to the temporal and topical disjoint between the current trade representatives investigated and the respondents of her survey (Bailer 2004). This suggests –to some extent- that it was indeed sane to gather separate data and not apply existing data to new settings.

7.4.2 Deriving capacity

To structure the discussion on the gathered data for a MS’ administrative capacity, I will focus on the three main components identified above. The first pertains to the involvement of public and private actors. The size of the network affects the amount of information an administration can draw upon when drafting a position. More information will result in the identification of a larger variety of issues where control may be warranted. The second group of variables that were

collected relate to the available human resources an administration disposes off. A third and final set of indicators aim to grasp the effectiveness of the coordination mechanism. For each of these variables, you can find the summary statistics in the table below.

Table 14: Summary statistics Deriving capacity (country-level)

	Mean	Min	Max	Standard Deviation
Quantity societal input (inv)	3.30	1	5	1.36
Quality societal input (inv)	3.35	1	5	1.16
Ministries	3.47	2	5	1.15
Workload	3.89	1	5	1.22
Staff Turnover	2.49	1	5	1.23
Human Resources	24.08	7	60	14.95
Administrative Hurdles	2.63	1	5	1.42
Coordination	1.11	0	2	0.74
Balancing offensive-defensive	2.22	1	5	1.33
Initiative consultation society	3.75	1	5	1.34

For each set of indicators, a sub-section is devoted to:

- discuss the obtained data,
- test the main mechanism behind the formulated propositions (where appropriate),
- select or construct an indicator for the subsequent analyses

This third goal is aspired to reduce the amount of variables a bit further. That way, we can avoid conducting ten different analyses each time a hypothesis is formulated that involves deriving capacity. At the end of the section, an overall assessment will be made regarding the second, third and fourth proposition.

Number of actors involved in the network

With respect to the performance of the policy network, the argument was presented that a lack of structural holes contributes to a MS' deriving capacity. For that purpose, we included questions on the involvement of different ministries as well as the input from societal stakeholders. From Table 14 it becomes clear that –on average- the MS consult three (and a half) ministries regularly on trade issues. In most of the MS these are the Ministry of Economy, MFA and Ministry of Agriculture. In addition to these, the Ministries of Finance, Justice and Health were also

mentioned frequently in the phone interviews. The Ministry of Finance often held authority over (the levying of) customs duties, investment and public procurement. The Ministry of Justice is mainly involved with intellectual property rights.⁷⁶

Three questions are of particular importance when looking at the involvement of societal stakeholders: these are the quantity of input obtained, the usefulness or quality of the input provided and finally whether consultations occur by initiative of the state or through mobilised interest groups that lobby the administration. If we look at the summary statistics depicted in Table 14 it becomes clear that –on average- the MS confirmed that they do not obtain sufficient input from societal stakeholders. Moreover, the bottom row also indicates that the majority of respondents agreed with the statement that when engaging with societal stakeholders, it is the administration that takes the initiative (65% answered ‘yes’ or ‘yes, but’). Given the constitutive role often attributed to mobilised societal interests in political economic analyses, these findings are interesting for two reasons: firstly, it suggests that we need to question the generalizability of the central role attributed to mobilised interests in EU trade policy. That is not to say that interest groups do not matter, rather that their importance or input should not be taken for granted as their involvement can vary from country to country. Secondly, it further stresses the importance to understand how positions are determined -not in insulation from- but in the absence of mobilised interests. The pilot studies conducted in the previous chapter can already present some explanations. The scope for path dependencies was already suggested by the Polish Trade official that spoke of ‘copy-pasting’. Alternatively the role of ideology and tradition was brought up in the case of Estonia where respondents often referred to their tradition of openness as facilitating policy-making through the existence of a ‘default position’. A final example concerns the role of data, research and impact assessments in formulating trade policy positions. In each of the pilot studies, reference was made to the use of (basic or detailed) trade data as an important starting point to identify national interests. The organization of a new data unit in Spain to conduct impact analyses or the use of a detailed firm-level database in the case of Belgium can further support the policy-making in the absence of mobilised stakeholders.

Above, the proposition was formulated that former communist member states are more constrained in their deriving capacity due to the challenges they face in obtaining input from

⁷⁶ Respondents also mentioned the importance of the Ministry of Health when Sanitary and Phyto-sanitary measures were part of the discussion. The Department of Immigration occasionally plays a role when mode 4 in services trade is being negotiated.

mobilised interests. At the same time, the amount and quality of input from societal organisations was also expected to be a function of the size of the MS. The effect of size and a communist heritage are tested in a set of linear regressions.

Table 15: Explaining the amount and quality of input from societal organisations

	Quantity	State Initiative	Quality
Size	-0.45** (0.20)	-0.36** (0.15)	-0.35** (0.17)
Communist	0.86** (0.41)	0.85** (0.41)	0.53 (0.48)
Constant	1.06 (0.83)	1.93** (0.75)	1.67** (0.65)
# Observations	22	22	22
Adjusted R ²	0.27	0.18	0.17

*** significant at the 0.01 significance level

** significant at the 0.05 significance level

* significant at the 0.10 significance level

To test the third proposition, a dummy variable (Communist) was used that equals one if the MS has a communist legacy. The size of a member state was measured through the log of the total population. The log transformation was deemed appropriate as I expect its marginal effect to be a decreasing function of size. That is, for smaller MS the effect of an increase in size is larger than an equal (absolute) increase for larger MS. Coefficients are estimated through OLS with standard errors obtained through bootstrapping 5000 samples with replacement.

From the results listed in Table 15, we can deduce that larger MS were indeed less confronted with the challenge of obtaining sufficient input (model 1). Moreover, respondents from larger MS were more inclined to reject the statement that societal stakeholders lacked the required expertise to provide useful input as apparent from the third column. In summary, size matters in the amount and quality of input trade administration can expect from interest groups. As apparent from the fieldwork in Estonia the magnitude of a country determines whether an active network of business associations can be sustained.

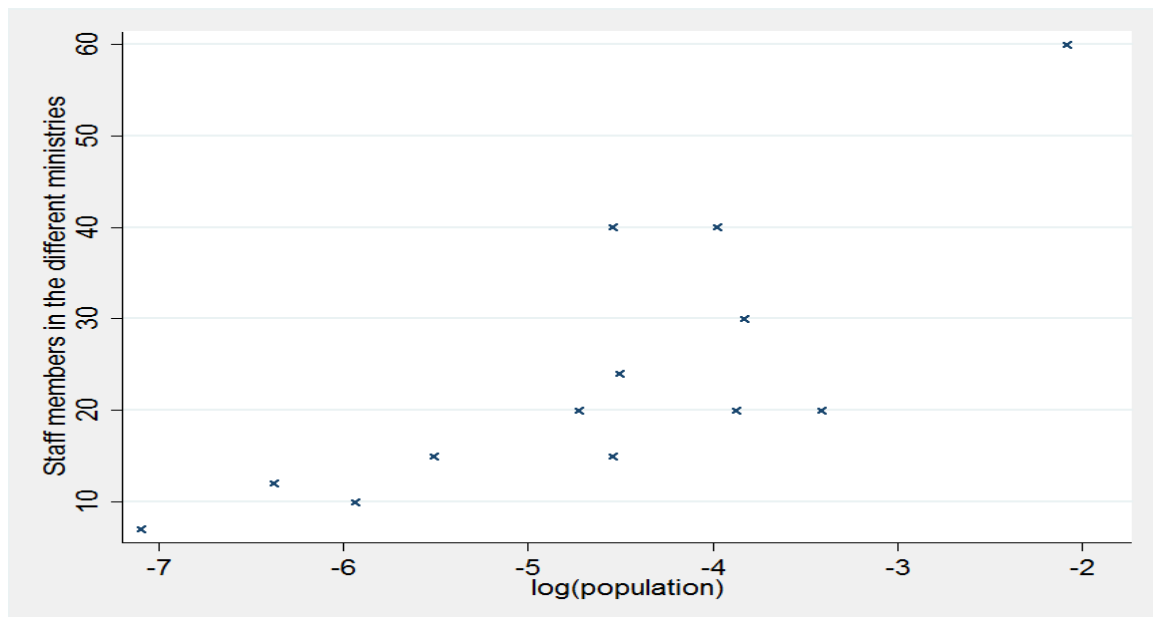
The results from Table 15 also indicate that administrations in former communist member states suffer from a low quantity of input and are more inclined to take the initiative to consult with business associations, rather than await their reaction. In other words, the idea of a flattened civil society in former communist member states is confirmed by our data – even when controlled for the size of the member state.

In the remainder of this dissertation, I will use the **number of ministries** and the input from societal stakeholders as variables for the diversity of the policy network in terms of deriving a position. **Societal input** is a combination of the quantity and quality indicator described above. The data is inversed again so that a higher level of ‘*societal input*’ corresponds to more quality input rather than less. The formula used was the following: Societal Input = $100 * \left[1 - \frac{(quantity + quality - 2)}{8} \right]$, ranging from 0 if the respondents completely agreed with the statements that quality and quantity of the input provided by societal stakeholders was constrained and a 100 if they completely disagreed with these statements. Summary statistics can be found in Appendix II.

Human Resources

The main causal driver behind the hypothesised relation between country size and deriving capacity are the available resources an administration has at its disposal. Three variables were singled out as relevant in our reduced survey. The first is an estimation of the **total number of staff** located in all of the ministries that are regularly consulted on trade issues. Here, I have asked respondents to provide a rough estimate. As much data of the web-survey proved to be unreliable (respondents’ estimates often pertained to the size of the entire ministry not just the policy unit for trade) data on the number of staff was severely constrained. The resulting thirteen observations are quite limited for further analysis. Nevertheless, the scatter plot below shows the strong relation between a MS’s size and the availability of Human Resources.

Figure 9: The number of Trade officials and population



This adds support to the second proposition which stated that larger member states have a higher deriving capacity. To deal with the large number of missing observations, I extrapolated missing values by drawing on the strong correlation with (the log of) population. Clearly, restraint is necessary when using the imputed indicator for inferential analysis.

A second question was incorporated in the reduced survey to solicit whether respondents felt that the functioning of the trade administration was hindered because they had to 'do the same or more work but with fewer resources'. From the summary statistics, it is clear that the majority of countries confirmed this to be the case (74% of the MS replied 'yes' or 'yes, but'). But caution is required when interpreting these results. Social desirability bias may stimulate lead officers to overstate the gravity of the issue. Whether the increasing workload is a consequence of the supranational nature of the CCP, budgetary pressures or the broadening and widening of the trade agenda cannot be answered with the available data and might be a subject for further inquiry.

Finally, a third indicator for human resources focuses on the retention of experience and expertise within the administration. More precisely, respondents were inquired whether **staff turnover** presented a challenge for the operation of the trade administration. On this issue, MS were less conclusive with only 5 out of 19 respondents agreeing with the statement. The main motivation for including this question was related to obligatory rotation to which many diplomats are exposed. As most diplomats are located within the MFA, the proposition was formulated that member states in which the MFA assumed central authority would suffer from a limited deriving capacity. The first step to assess this proposition is asserting that MFA-led countries suffer more from staff turnover than their economic counterparts. To this end, a Wilcoxon Ranksum test was performed as normality assumptions cannot be maintained with such a small sample size. The results revealed that MFA-led member states are indeed affected more adversely by staff turnover. This difference was barely significant at the 90% confidence level. Important to note, however, is that in our coding the Dutch trade administration was classified as led by the MFA. In the recent past, trade policy has always been a part of the ministry of economy. Reclassifying the ministry results in a significant Wilcoxon Ranksum test up to the 98% confidence level.

Which indicators shall be used for subsequent analysis? I expect the question pertaining to workload not to be particularly useful as variation was extremely limited. Only 2 respondents did not confirm that 'having to do the same or more work but with fewer resources' represents a challenge for the administration. Lack of variation might be due to the bad formulation of the

question or social desirability bias. For these reasons, I will predominantly make use of the number of staff and staff turnover.

Effective coordination

To measure a MS' deriving capacity also four different indicators were identified to grasp the effectiveness of the coordination process. A first pair, concerns the method of coordination, a second pair to the perceived effectiveness thereof. I will discuss the variables in that order.

The **method of coordination** consists of two factors: on the one hand there is the coordination among public actors, while on the other hand there is the method through which an administration coordinates with societal interests. Coordination among public actors was categorised using three levels of intensity. The lowest level (0) applies when the line ministry decides whom to consult and through which method. A second category pertains to those member states where regular meetings in person are organised but where these meetings take place on an ad hoc format. In other words they are not formalised. The highest category applied to those member states that convene on a weekly basis in person. In line with the discussion outlined above, I assume that more intense coordination facilitates decision-making. A second aspect of the method of coordination was the manner in which state and society interact. Above, we already touched upon this issue briefly in discussing the question as to who takes the initiative to consult with societal stakeholders. To enable the construction of a single indicator we transformed 'state initiative' to match the three-level measurement of coordination among public actors. This was accomplished by combining both affirmative and both rejecting options. The overall indicator capturing the intensity of coordination (*CoordMethod*) is constructed as the sum of both components, multiplied by 25 to match a scale from 0 to 100.

The second pair of indicators focuses on the **results of coordination** or at least the challenges experienced with respect to internal coordination. The first item inquires whether MS face difficulties balancing offensive and defensive interests while the second states that the functioning of the administration is constrained through administrative hurdles. Summary statistics on the identified challenges can be found in Table 14. Combining both variables enabled the construction of a second coordination indicator: $CoordResult = 100 * \left(1 - \frac{(Balancing+Hurdles-2)}{8}\right)$. A higher value on this indicator corresponds with limited coordination-related problems. The correlation between *CoordMethod* and *Coordresult* was positive and significant at the 90% confidence interval. This suggests that the intensity of the

coordination process reduces the probability that a MS is facing problems balancing its offensive and defensive interests or faces constraints due to administrative hurdles.

Testing the propositions

In the previous sub-sections, the main causal drivers behind the second, third and fourth proposition were largely affirmed. To fully assess the propositions, the table below provides the correlations between the above-defined indicators of deriving capacity and the size of the MS (proposition 2), its communist legacy (proposition 3) and the line ministry responsible (proposition 4). While monitoring capacity proved to be unrelated to the size of a member state, this appears not to be the case insofar as deriving capacity is concerned.

To test the second proposition, a series of bivariate regression analyses were run using the logarithmic transformation of population as the independent variable. As per usual standard errors were bootstrapped. The results indicated in the first row of Table 16 show that the size of a country had an important effect both on the potential for structural holes (societal input) and the amount of human resources at the administration's disposal.

Table 16: Explaining Deriving capacity

	Structural holes		Human Resources		Coordination	
	Society	State	Staff	Turnover	CoordMethod	CoordResult
Size	10.60*** (3.60)	-0.19 (0.34)	8.90*** (2.39)	0.27 (0.18)	-4.03 (3.90)	-3.14 (2.51)
MFA	-7.37 (11.60)	0.44 (0.59)	-2.95 (8.64)	0.94* (0.54)	11.01 (9.89)	8.14 (9.40)
Communist	-20.35† (11.50)	0.05 (0.64)	-3.13 (10.24)	-0.39 (0.65)	9.29 (10.39)	-7.74 (10.60)
# Observations	22	16	13	19	19	19

With respect to the proposition on the lead ministry, differences between the means were reported [$\text{mean}(X|MFA=1) - \text{mean}(X|MFA=0)$, whereby X refers to a variable of deriving capacity]. Similar statistics are calculated to assess differences between former communist and market economy MS. For each difference, I have indicated the standard deviation of the differences. Significance was determined through a Wilcoxon Ranksum test. The limited number of observations, made a non-parametric estimation technique appropriate. The symbol † implies

that the effect was found significant in a matched t-test but was rejected on the basis of the non-parametric test.

Assessing the third proposition i.e. whether the former communist member states are constrained in their deriving capacity, we found a lower input from societal stakeholders. This variable had no impact of the other indicators of deriving capacity. Hence the overall effect on deriving capacity is somewhat limited. Similarly, responsibility over trade policy by the MFA increased the problem of staff turnover, but did not affect any of the other indicators of deriving capacity. In summary, the third and fourth proposition cannot fully be discarded as the identified causal mechanism proved to be valid. The overall effect on deriving capacity is subject to interpretation.

7.4.3 Overall administrative capacity

What is the relation between deriving capacity and monitoring capacity? In elaborating the conceptual framework in Chapter 3, the hypothesis that both components of administrative capacity are negatively related was considered highly unlikely. Chances of high monitoring capacity while having limited deriving capacity and vice versa were argued to be slim as both functions are performed by the same administration and thus high deriving would also imply that there is an internal demand for better monitoring. The table below contains a set of bivariate coefficients with bootstrapped errors (500 replications). The analysis has been conducted at the country-level to limit the odds of finding spurious correlation due sample properties.

From the results, it is clear that monitoring capacity and deriving capacity do not correlate significantly with each other. One exception is the number of ministries. More ministries involved in the policy network coincide with higher monitoring capacity. Whereas the overall lack of a significant relation has no concrete repercussions in the study of the relation between administrative capacity and control, it does raise the question whether the data obtained from both surveys are consistent. If both datasets measure the characteristics of the same trade administrations, we should also be able to find some overlap in the variables; a matter of triangulation.

Such overlap between both data-sets can be found in the questions regarding societal stakeholders. One of the items of monitoring capacity concerned the input obtained from societal stakeholders. That was also one of the reasons to construct a conservative ‘monitoring2’ indicator. The correlation between the ‘Societal Input’ indicator developed to measure deriving capacity and the aforementioned item of monitoring capacity proved to be positive and significant at the 95% confidence level.

Table 17: Monitoring and Deriving capacity

	Societal Input	Ministries	Staff	Staff turnover	CoordMethod	CoordResult
Monitoring	0.46 (0.64)	0.03 (0.02)	0.82 (0.61)	-0.01 (0.03)	-0.34 (0.49)	0.22 (0.40)
Monitoring2	0.43 (0.56)	0.04* (0.02)	0.77 (0.51)	0.02 (0.04)	-0.45 (0.63)	-0.01 (0.48)
# Observations	17	14	12	15	15	15

Summarizing the findings

What determines endogenous information asymmetry? Or phrased differently, which aspects of the administration enable an administration to monitor the Commission and accurately derive a nation's interest in a given trade negotiation? Based on the observations from the pilot studies, the need to conceptualise the trade administration as a policy network was suggested. To understand the factors that enable an administration to monitor the Commission and derive its interests, we have turned our focus to the concept of network performance. As indicated by Pollitt (2012) the challenge for CPA is to derive clear measures that are unambiguously related to increased performance. In order not to expand too far outside the scope of this dissertation, I have made simplifying assumptions relating particular traits of the network to increased performance. Thus a set of questions was formulated inquiring into the prevalence of 'structural holes', the available human resources and intensity of internal coordination that characterised a MS' trade policy network.

Data for monitoring capacity was gathered in the same survey as the dependent variable (see Chapter 5). To measure deriving capacity a separate list of questions was developed. Originally, this data was to be gathered through a web-survey targeting the multitude of trade officials in the different ministries and trade policy units. Unfortunately, response was limited and an alternative method was pursued involving telephone interviews with senior trade officials within the national trade administrations. By consequence, the ultimate data gathered is less detailed and comprehensive as originally envisioned.

Nevertheless, from the ensuing descriptive analyses, we discovered substantial variation among the member states' administrative capacity suggesting scope for useful inferential study. With regards to monitoring capacity, we found that in addition to the European Commission, MS are

largely dependent on the domestic administration. Moreover, it was also interesting to note that this capacity was not significantly correlated with the size or the level of development of the member state from which the respondent hailed.

Variation also existed among the MS with regards to deriving capacity. This capacity could partly be explained by the size of the country and to a lesser extent by the existence of a communist legacy. The results also indicated that most MS would have preferred more input from societal stakeholders and that it is mostly the state that consults relevant stakeholders rather than being pressured by lobby groups. This finding calls the primacy of mobilised interests as foundations for trade policy decisions into questions and suggests that there is substantial scope for state-centric explanations.

The key question remaining, however, is whether such divergent capacity has an effect on member states' ability to exert control over the Commission during external trade negotiations. That will be the subject of the next chapter.

CHAPTER 8:

ENDOGENOUS INFORMATION ASYMMETRY AND CONTROL

In this final, capstone chapter an answer will be offered for the central research question of this research: *Does larger endogenous information asymmetry result in limited control over the Commission?* In addition to the main hypothesis, we can formulate additional hypotheses on the basis of the developed theoretical framework and corresponding conceptualisation. To do so, I will build on the three variables that were constructed in the discussion of the dependent variable: the overall amount of signals emitted, the negotiation strategies used and the timing of said signalling during the negotiations.

As the literature has already been reviewed, and seeing that the conceptualization, operationalization and descriptive analysis of the dependent and independent variables occurred in the previous chapters, we distinguish only three sections in this chapter. In the first section, the hypotheses are formulated and situated in the broader literature. The second section refreshes the key dependent and independent variables and tests each of the formulated hypotheses and discusses the results. The third and final section summarises the main findings.

8.1 Substantiating the hypotheses

8.1.1 Administrative capacity and control

The main relation of interest to this dissertation concerns that between the member states' administrative capacity and the use of control. Higher administrative capacity reduces the scope for endogenous information asymmetry between principal(s) and agent and thus enables the emission of more signals to control the agent. The causal mechanism driving this relation is the assumption that the occurrence of signalling is conditional on the observation of a gap between what the Commission is proposing and what the member states are aspiring. In assessing the size of the gap, not only does a trade administration need to accurately derive their interests at stake, but it also needs to monitor what the Commission is doing on their behalf and with which vigour. The larger the discrepancy between the Commission's actions and a MS' interest, the more likely the national representative will emit a (strong) signal to the Commission to ensure its interests

will be defended satisfactorily. Thus it was argued that the mere act of monitoring does not constitute control, but is an important condition for control to take place.

Hypothesis 1a *Monitoring capacity reduces endogenous information asymmetry and increases control of a principal over its agent.*

In Chapter 3, it was also argued that a higher ability to accurately derive a nation's interest in a given trade negotiation will increase the propensity by which a MS will signal the agent. The argument to assert this relation was based on the assumption that limited deriving capacity is most likely to result in an underestimation of the cases where a position ought to be taken. Whereas the gap might be overstated due to a lack of deriving capacity, I have argued that the number of cases of false negatives is likely to trump the amount of false positives. The empirical research from the previous two chapters further supports this assumption. There, it was shown that trade officials often have to solicit input from societal stakeholders themselves to formulate a position, suggesting that lack of such input diminishes a MS' ability to identify the potential preferences to be signalled. Moreover, the new trade agenda has provided a challenge to the administrations not only in assigning responsibilities, but also to motivate other units to provide the desired input. In the majority of member states, the line ministry is dependent on input from other ministries. The latter's eagerness to devote scarce time and resources to these issues, determines to a large extent whether a position is determined and how specific that position is.

Hypothesis 1b *Deriving capacity reduces endogenous information asymmetry and increases control of a principal over its agent.*

Overall, I expect monitoring capacity to be the closest approximation of a MS' overall administrative capacity. In the discussion of the various sources consulted in monitoring the Commission, it appeared that MS also emphasised the important role of various public and private actors in the process. By consequence, respondents may have interpreted the concept of monitoring not in the strict sense of observing the Commission's actions, but rather in a broad sense: i.e. monitoring the gap between what the Commission is (or might be) doing and what the MS considers desirable. In such a scenario, the obtained indicator of monitoring capacity also captures part of the explanatory power of deriving capacity. Simultaneously, due to a number of challenges encountered with the gathering of the data on deriving capacity, a number of short-cuts were made that reduce the accuracy and reliability of the obtained data.

8.1.2 Administrative capacity and strategies

The second dependent variable developed and discussed in Chapter 5 was the strategic choice to signal bilaterally or collectively. Where the first two hypotheses only concerned the capability of a MS to signal, one can equally well conceive of capabilities that enable a member state to use one strategy over another. It has been shown for example that the presence of expertise within an administration allows a representative to persuade others through argumentation (Haverland and Liefferink 2012; Tallberg 2008). In a similar fashion, it could be possible to identify administrative traits that enable a member state to signal the agent directly or through collective action.

The preference of a trade official to use one strategy over the other could not be explained satisfactory by the voting power of the member states. Part of the explanation offered was that, rather than power, it takes a capable administration to signal bilaterally or collectively. More specifically, we could hypothesise that to engage in collective strategies, the member states also require a degree of networking capacity. Daniel Naurin has operationalised this concept and measured a MS networking capabilities through peer-evaluation i.e. inquiring other member states how well networked a particular MS is (Naurin 2007). Whether such 'network capacity' is also an emanation of the domestic decision-making process can be questioned.

If we focus on the data regarding a MS' administrative capacity that was collected within the remit of this research project, it is difficult to formulate a concrete theory-based hypothesis. Why would monitoring lead to a preference for collective or bilateral signalling strategies? And can we think of aspects of deriving capacity that might lead to a preference for one or the other strategy? This points to a limitation of the proposed conceptualisation i.e. the exclusive focus on the capabilities of the domestic administration while neglecting the skills, network and reputation of the member states' representation. In summary, based on the chosen conceptualization and operationalization of administrative capacity, I do not expect to find a relation between administrative capacity and the preference for one strategy or the other.

Hypothesis 2a: Neither monitoring nor deriving capacity has a significant effect on the strategies pursued.

8.1.3 Administrative capacity and stage of control

A final relation subject to inquiry is that between administrative capacity and the stage at which a MS is most active in signalling the agent. When studying the dynamics of the negotiations, variation can be found on two dimensions. On the one hand, variation exists among respondents

regarding the importance they attach to the formal stages of the negotiation process, while on the other hand it is possible to differentiate among respondents based on their preference (or ability) to be relatively more active in the proactive stages than in the reactive stages of the negotiation process. The demarcation between the proactive and the reactive stages was made on the basis of the availability of concrete negotiation texts that could be subjected to discussion.

When studying the capacity of trade administrations, it is this latter distinction that is of greater importance than the distinction between the formal and informal stages. Early involvement in the negotiation process was deemed important because: *“If instructions arrive too late or even fail to arrive at all, the activity level of states remains low, since many points are already resolved in advanced stages of negotiations and won’t be reopened for the latecomers”* (Panke 2010a, 813). For this reason, Panke argued that proactive involvement is an important prerequisite for the useful application of small MS’ ‘counterbalancing strategies’. However, even if smaller MS face difficulties to weigh in the late game due to their limited voting power, this does not imply that they are more active in the early stages of the negotiation. In terms of the delay in receiving negotiation instructions, Panke’s research revealed substantial variation among the smaller EU MS. If we assume that the timing at which a representative voices its interests affects its ability to attain desirable outcomes –and thus effectively upload domestic preferences, it is important to know how administrative capacity can contribute thereto.

Using distinctions between small or large MS obscures the assessment of the underlying causal mechanisms. Why might we expect a small MS to signal earlier (or later) than a large MS? Adhering to the focus of this dissertation I will zoom in on the traits of the administration in search for an explanation why MS signal predominantly proactively or reactively. More specifically, I have elaborated three causal mechanisms through which I expect administrative capacity to affect the speed by which a MS formulates a position.⁷⁷ Each of these mechanisms can also be used to explain why small (or large) MS predominantly signal early or late in the negotiation process.

The first mechanism identified is the availability of sufficient Human Resources. The amount of staff working on trade issues is likely to affect the speed by which a policy position is formulated. Having an abundance of resources enables e.g. the organisation of a conference with relevant

⁷⁷ The assumption that the speed of formulating a policy position is also translated into being relatively more active in the ‘proactive’ than the ‘reactive’ stages of the negotiation, can be subject for debate. I do not see any reason why a MS would delay the signalling of a position once it has been formulated.

stakeholders before each negotiation. But it also enables specialization whereby a single staff member can focus on one particular component across many trade agreements. By consequence a policy position is formulated relatively quickly, even when it concerns highly technical matters. Finally, human resources also enhance parallel processing capacity; i.e. the amount of dossiers that can be dealt with simultaneously. Monitoring the developments in a single negotiation is a lot simpler than monitoring five negotiations at the same time.

Clearly, we expect limited human resources to be a more pressing constraint for smaller MS. In such an administration, the trade official often performs multiple tasks ranging from representation and policy-making to the provision of public services as indicated from the field work in Estonia. Moreover, representatives often need to cover multiple policy domains of which (external) trade is only one.

Hypothesis 3a: *The smaller the trade administration, the stronger its tendency to signal during the reactive rather than the proactive stages.*

A second mechanism focuses on the difficulties or challenges a MS faces in formulating a position. Inefficient coordination can slow down the policy-making process. If the dispersion of information is hindered, the various stakeholders cannot provide timely input. Similarly, the existence of various administrative hurdles and procedures can also slow down the policy formation process. The amount of interests to be aggregated affects the speed at which a position is formulated. According to this mechanism, we would expect that larger MS require more time to formulate a position as it takes time both to organise a broad debate with public and private actors and to aggregate the various interests voiced in a coherent position. Such preference heterogeneity makes policy-making in larger states more cumbersome (Alesina and Spolaore 1997, 2003). By contrast, in a smaller MS, the determination of an interest is a lot more straightforward. There are fewer firms, ministries or associations to consult and the potential for conflicting interests is also a lot lower. This can enable a smaller MS to formulate a position quite quickly. One Spanish respondent added credence to this hypothesis when musing over the cases I had selected for my pilot studies. He commented that it probably is a lot easier to formulate a position as a small country due to absence of so many interests to reconcile (Interview, TO#8).

Hypothesis 3b: *The more a trade administration faces difficulties in coordination, the stronger its tendency to signal during the reactive rather than the proactive stages.*

Finally, during the qualitative fieldwork a discrepancy became apparent between the predominant view in the IPE of trade from which we would expect policy-makers to be

subjugated to a continuous barrage of societal pressures, and the political reality where often societal actors are largely absent and where the trade official needs to actively solicit input. In the quantitative results, it was confirmed that in the median member state, it was the administration that initiated contacts with private stakeholders and not vice versa. Based on this finding, we can hypothesise that the more an administration takes the initiative to consult its stakeholders, the faster it can formulate a policy position.

This mechanism somewhat favours the smaller MS as it is easier to identify and consult the relevant stakeholders. Clearly, large MS can also initiate consultations, but in a large MS business associations have larger policy units that are more actively trying to influence policy. Here, the policy-maker can also await their input.

***Hypothesis 3c:** The more a trade administration takes the initiative when consulting with private stakeholders, the stronger its tendency to signal during the proactive rather than the reactive stages.*

8.2 Data analysis

Data on the dependent and independent variables has already been discussed extensively in chapters 5 and 7 respectively. Information regarding the data-gathering process and descriptive statistics on the obtained data can also be found in these chapters.

8.2.1 Administrative capacity and control

To test the relation between administrative capacity and control, I will proceed in two steps. First the relation between monitoring capacity and signalling will be the subject of inquiry. In a second stage, the question whether variation in terms of deriving capacity can help explain a MS propensity to signal is tested on the basis of the gathered data. Considering that this analysis concerns my main hypothesis, a step by step approach was deemed appropriate to enable sufficient room to assert the robustness of the results obtained and elaborate its findings. In both cases the dependent variable, control, is measured through the Signalling Index (SI) developed in the fifth chapter. Two versions were thus constructed: one with equal weights for the different tactics, another one weighted each tactic conform their political weight as indicated in Table 2 of chapter 5.

Monitoring Capacity

To measure monitoring capacity, representatives were inquired to indicate how often thirteen different sources were consulted to obtain information regarding the Commission's negotiating behaviour. Sources ranged from the European Institutions over the domestic administration to

the international partner with whom the Commission was negotiating. Two versions of the independent variable were constructed. The first was a simple mean of the indicated frequencies (Monitoring); the second was a more conservative measurement and excluded all items that could be related to either the dependent variable or the deriving component of the administrative capacity (Monitoring2). For both the dependent and the independent variable, indicators were rescaled to range from 0 to 100. Two additional control variables are added to the linear regression model to ensure that the relation we aim to study is not confounded by other explanatory factors.

The first control variable to be included is a MS' voting power. The Shapley-Shubik indicators for power were used for this purpose. This helps to provide a more conservative assessment of the effect of monitoring capacity. A second variable is included in the model to control for 'common method bias'. Common method bias occurs when including both questions on the dependent and independent variable in the same measuring instrument (Podsakoff et al. 2003). This problem is quite pertinent to the study of the performance of public administration (Meier and O'Toole 2013). There is a chance that any results found in our regression analysis may be the result of such bias. More specifically, if respondents exhibit a tendency to overstate (or underestimate) their efforts at signalling control, they are also more likely to overstate their efforts with regards to monitoring. To control for the potential bias this creates, I calculated the mean scores given by the respondents with regards to their activity level in the various stages of the negotiation as an approximation of respondents' over-or underestimating bias. The variable to correct for potential common method bias was named CMB and is used as a second control in the regression model.

The models are estimated using Ordinary Least Squares (OLS) regression. Due to the small sample, I decided to estimate the errors of the obtained coefficients through a non-parametric method i.e. bootstrapping.⁷⁸ Each regression was thus estimated using 5000 replications where the bootstrapped samples were constructed with replacement and retained the same size as the full sample. Following a first regression, I assessed the existence of outliers. Three observations were flagged as requiring further investigation. A qualitative inquiry (see Chapter 5) confirmed that in two of these cases the answers of the respondent were questionable. They were removed from the sample. Important to emphasise is that their removal only weakened the results rather than strengthening the findings. The dfbeta plot and its interpretation can be found in Appendix II(3).

⁷⁸ This notwithstanding, post estimation of the models revealed that the null hypothesis of normally distributed error could not be rejected. Neither could we reject the hypothesis of homoscedastic errors.

Table 18: Monitoring capacity and Control

	Model 1 (unweighted)	Model 2 (unweighted)	Model 3 (weighted)	Model 4 (weighted)	Model 5 (unweighted)	Model 6 (unweighted)
Monitoring	0.274*** (0.105)	/	0.232** (0.104)	/	0.423*** (0.140)	/
Monitoring 2	/	0.239*** (0.081)	/	0.207** (0.082)	/	0.268* (0.138)
Power	128.034*** (48.584)	136.676*** (48.43)	157.369*** (48.475)	164.533*** (48.768)	121.295* (67.588)	131.199* (72.138)
CMB	0.193 (0.120)	0.207** (0.112)	0.162 (0.122)	0.173 (0.115)	/	/
Constant	24.762*** (12.848)	28.06*** (9.031)	29.097*** (8.669)	31.673*** (8.913)	26.794*** (8.984)	38.619*** (8.328)
Adjusted R ²	0.373	0.370	0.353	0.354	0.315	0.220
Observations	39	39	39	39	22	22

*** significant at the 0.01 significance level

** significant at the 0.05 significance level

* significant at the 0.10 significance level

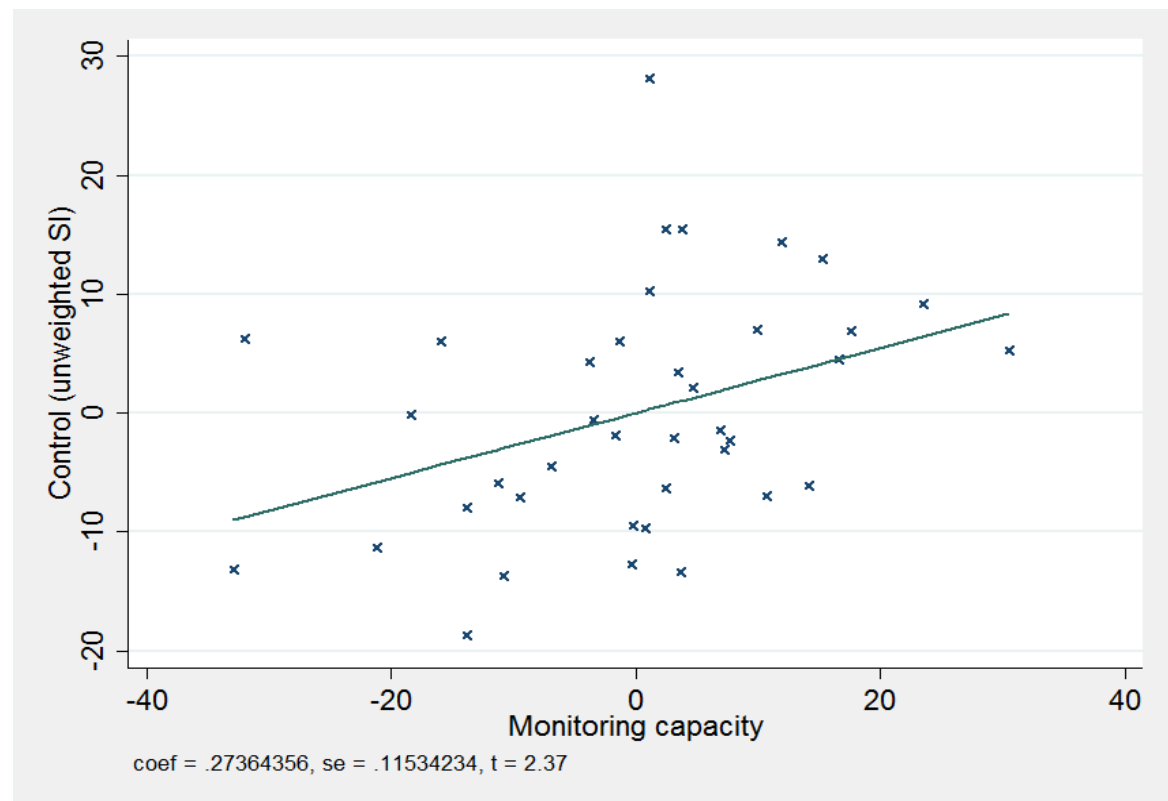
Ultimately, six regression models were tested. In the first two models the dependent variable was the unweighted SI (Models 1 & 2). The following set of regressions used the weighted indicator SI as an alternative dependent variable (Models 3 & 4). The final two models were estimated using country-averaged data (Models 5 & 6). Due to the small sample size, I have decided to leave out the CMB control variable for these final two models.⁷⁹ The results can be found in the table below. In each of the models, the findings clearly illustrate that a respondent's -or a member state's- monitoring capacity contributes to the overall signals emitted. In other words, a principal that is able to limit its endogenous information asymmetry vis-à-vis the agent, will exert more control over that agent. Moreover, this effect was quite strong with standardised coefficients between 0.25 (model 3) and 0.44 (model 5).

This finding is robust when correcting for size and the potential for common method bias. Voting power as measured through the Shapley-Shubik index was also significant in all but one of the models. We can therefore confirm that higher voting power has a positive effect on the frequency by which a MS will signal the Commission. Clearly, voting power captures much more than just formal might. It also covers a lot of size-related aspects, some of which are reflected in traits of the

⁷⁹ An alternative formulation of the model was also estimated using only monitoring capacity and CMB as independent variables. Regardless of the choice of the SI or monitoring capacity, the CMB had no significant effect (while monitoring still had).

domestic trade administration. In the following subsection, the effect of three such factors will be tested when analysing deriving capacity. The control for CMB was significant in a one out of four models suggesting that results might be a little susceptible to common method bias. Nevertheless, even when controlling for this problem, the results for monitoring capacity were still significant. The relation can also be observed from the added variable plot depicted below. This graph, also called the partial regression plot, is useful to indicate the additional explanatory power to be obtained from one regressor if controlled for the other explanatory variables in the model.

Figure 10: Added Variable plot Monitoring capacity and Control



Finally, a short note on the potential of endogeneity is at its place here. In chapter 3, the possibility that a MS' administrative capacity could also be the result of limited signalling was aired. The latent variable stimulating both dependent and independent variable in this case is the varying demand for control that the member states experience. Formulated differently, MS that do not need to exert much control, are also unlikely to maintain large administrations. While, data was gathered with respect to the 'demand for control' (see Chapter 5), this proved to be uncorrelated with both the dependent and the independent variable. As a result, I refrained from incorporating the 'demand for control' in the model.

Deriving Capacity and Control

To study the relation between deriving capacity and control, I will make use of the three core concepts that were also identified in the previous chapter. These are the *diversity of the policy network*, the *available human resources*, and the effectiveness of the *coordination process*. For each of these concepts, two variables were constructed whose effect on a MS propensity to signal the Commission will be tested.

The first set of variables selected to measure the diversity of the policy network, concerns the input from societal stakeholders as well as the number of ministries involved in the coordination process. Societal input is an indicator that combines both the amount of input obtained from societal stakeholders as well as an assessment of business associations' technical expertise. To operationalise the second concept - availability of human resources- I will make use of the number of staff of the administration and the extent to which job turnover presents a challenge for the administration. The third set of independent variables captures both the method of coordination as well as the effectiveness of such coordination. For the former, an indicator was constructed that captures the intensity of inter-ministerial coordination as well as state-society interaction whereas the latter variable grasps the extent to which MS face difficulties in balancing offensive and defensive interests and the extent to which they are constrained by administrative hurdles.

Table 19: Deriving Capacity and Control

	Dependent Variable= SI (unweighted)					
	Society	State	Staff	Turnover	CoordMethod	CoordResult
Deriving capacity	0.20* (0.11)	3.37 (4.24)	0.050* (0.29)	-0.48 (2.77)	-0.10 (0.21)	0.061 (0.18)
Constant	49.61*** (4.94)	42.89** (17.25)	50.64*** (4.76)	60.26*** (9.04)	64.40*** (16.33)	55.02*** (11.37)
Adj. R ²	0.13	-0.04	0.11	-0.07	-0.06	-0.07
# observations	17	14	12	15	15	15

*** significant at the 0.01 significance level

** significant at the 0.05 significance level

* significant at the 0.10 significance level

Seeing that deriving capacity was predominantly measured at the level of the member state (and not the respondent) we will test the relation between the distinct components of deriving capacity

and control on the basis of country-aggregated data. In the analysis, I have decided to conduct bivariate analyses to avoid problems of multi-collinearity as the sample size is very small. The size of the MS' economy affects both the level of societal stakeholders' involvement in trade policy as well as the number of staff an administration hosts. Again, OLS was used to estimate the coefficients. The errors were bootstrapped using 5000 iterations.

The results indicate that of the six independent variables (one for each column), only two led to significant results. The input obtained from societal interests as well as the staff employed, are the two factors that help explain a MS propensity to signal the Commission during external trade negotiations. The lack of significant findings with respect to the indicators may be explained through the complexity of obtaining an accurate measurement of deriving capacity. The level of detail in the data ultimately gathered differs significantly from the original aspirations and this for both the involvement of other public actors as well as the intensity of the coordination system. The lack of a significant finding does not imply there is no relation to be discovered. Rather, we can only observe that based on our data we could not discern such a relation. Therefore, caution is required in interpreting the results. More research is appropriate to substantiate (confirm or reject) these findings.

8.2.2 Administrative capacity and strategies

Above, the hypothesis was formulated that –based on the developed theoretical framework- no *a priori* relation was expected between administrative capacity and a preference for a particular negotiating strategy. To assert whether a relation exist between both variables, we will make use of the (unweighted) ratio of bilateral over collective signals as the dependent variable. A higher value thus corresponds with a preference to signal bilaterally. The explanatory variables are the same as those elaborated in the previous section.

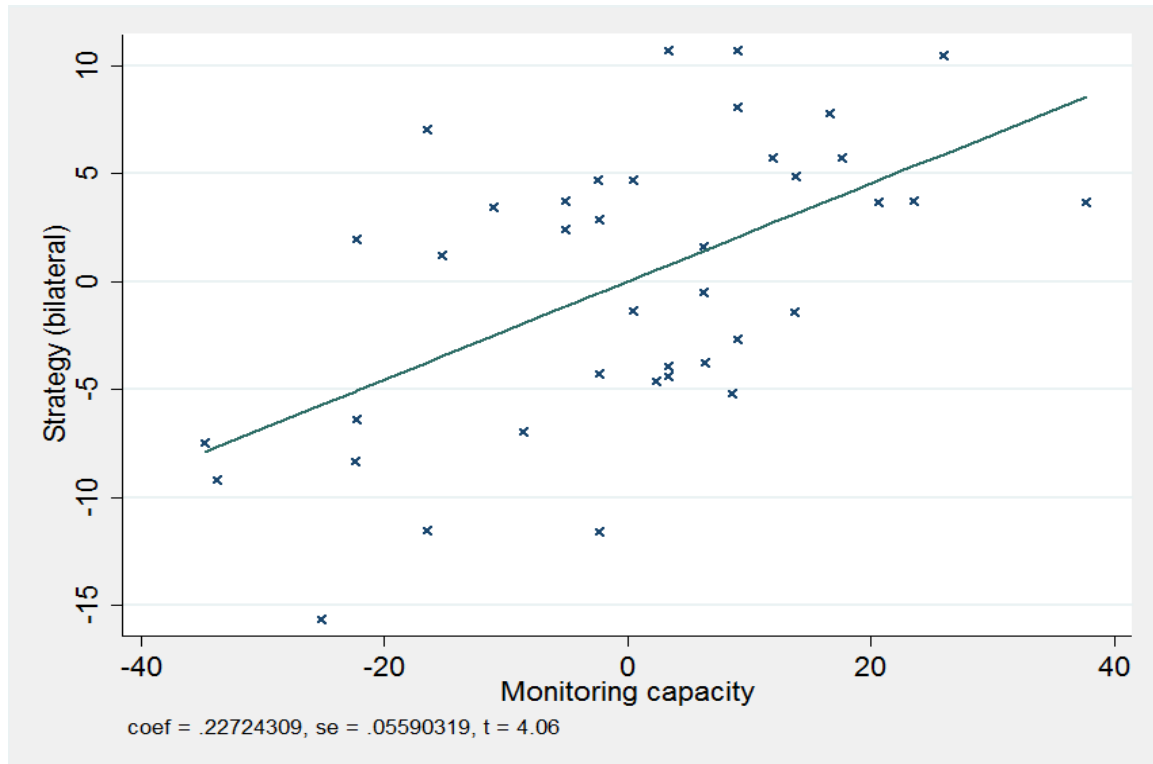
Monitoring capacity

When testing the relation between monitoring capacity and signalling strategies, it is of particular importance to use the constrained monitoring indicator. That is to avoid any overlap between the bilateral contacts a MS has with the Commission to solicit information regarding the negotiations and the contacts whereby the Commission is the target of a MS' tactics.

In Figure 11, an added variable plot is depicted, visualising the relation between a respondent's monitoring capacity and its preference to signal bilaterally. From the results, it is clear that higher monitoring capacity increases the relative preference of a respondent to apply bilateral tactics. In a bootstrapped OLS regression we found this effect to be highly significant at the 0.1% confidence

level. Moreover, the size of the uncovered effect was also large with a standardised coefficient of 0.51.

Figure 11: Added variable plot Monitoring capacity and Signalling strategies



So how can we make sense of this relation? One potential explanation may be that the observed effect is a consequence of the iterative process of signalling. Monitoring capacity improves a MS ability to assess both the actions of the Commission as well as the remaining room of manoeuvre. This can favour bilateral signalling as a strategy when the representative fears that using this information publicly may jeopardise his negotiating position as other principals may start a countermove. In other words, higher monitoring capacity gives a MS a competitive edge over its competing principals, an advantage that can trigger a greater preference for bilateral strategies.

An alternative explanation for the uncovered relation might be the opportunities high monitoring capacity creates to engage in arguing. Time is limited in the TPC meetings to start an argument. When monitoring diligently, direct informal contacts may enable a representative to leverage his excellent knowledge about the agent's actions, whereas such arguing would not be possible in a collective venue.

Deriving Capacity

To test the relation between deriving capacity and MS' signalling strategy, I have ran a set of bivariate regressions using the (unweighted) SI as the dependent variable. The coefficients, the bootstrapped standard errors and the number of observations are reported in Table 20. As is clear from the table, none of the different measures of deriving capacity correlated significantly with a MS' signalling strategies.

Table 20: Deriving capacity and Signalling strategies

	Dependent variable = Signalling Strategy					
	Society	State	Staff	Turnover	CoordMethod	CoordResult
Deriving capacity	0.03 (0.03)	2.54 (1.60)	0.00 (0.04)	-0.13 (0.80)	0.01 (0.07)	0.03 (0.06)
# observations	17	14	22	14	15	15

Why does deriving capacity not trigger a higher preference for bilateral signalling, whereas monitoring capacity does? It could be related to the type of information concerned. Being able to derive one's interest more accurately does not give a MS a competitive edge over competing principals that have a divergent opinion.

I also assessed whether other capabilities of an administration correlated with the strategic preferences of the respondents. In the development of the hypotheses, I briefly touched upon the potential relation between a member state's networking capacity as a factor that can enable its representatives to signal collectively. The data for networking capacity was derived from Daniel Naurin's EUI Working Paper (Naurin 2007). However, in a simple regression, I found the coefficient to be insignificant. The most obvious explanation is the incongruence in time and across policy domain. Naurin's measure might not capture the networking capacity of contemporary trade administrations. More research is thus required to address the relation between the administrative traits and a MS preference to signal bilaterally or collectively.

8.2.3 Administrative capacity and Proactive signalling

Are there specific characteristics of the administration that enable a MS to signal its preferences in the earlier stages of the negotiation? Based on the alleged impact this may have on negotiation success, inquiry was deemed appropriate. Above, three hypotheses have been formulated. In short, I expect sufficient human resources, the effectiveness of the coordination process and active consultation of societal stakeholders to result in a faster position being formulated and thus in

‘proactive signalling’. Recall from the discussion of the six different phases of the negotiation that I grouped the first three stages together as the pro-active period as it takes place before concrete texts are being made available. Correspondingly, the reactive stages were the following three. For the analyses, both an additive- and ratio-based indicator of pro-activeness was created which equals 0 if a MS is only active in the three latest stages, while it equals a 100 if signalling only occurred in the proactive stages. In the analyses below, the added indicator was used.

Three independent variables were identified in formulating the hypotheses: the available human resources, the effectiveness of coordination and the active consultation of societal stakeholders. To assess the effect of the available resources, we used the imputed number of staff (HR). For the other two variables, we can use the rescaled variables *CoordResult* and *Initiative* (see 7.4.2). As per usual, estimates were obtained through OLS estimation, with the standard errors derived from 5000 bootstrapped samples. The results of all the regressions can be found Table 21.

Table 21: Administrative capacity and Pro-active signalling

	Model 1 (Country)	Model 2 (Country)	Model 3 (Country)	Model 5 (Respondent)	Model 6 (Respondent)
Staff	0.31*** (0.10)	0.18 (0.11)	--	0.27* (0.15)	0.11 (0.12)
Initiative	0.20*** (0.06)	--	0.11 (0.08)	0.19*** (0.05)	--
CoordResult	--	0.16* (0.08)	0.04 (0.10)	--	0.17** (0.08)
Constant	35.80** (5.50)	41.04*** (7.04)	48.16 (6.56)	37.93*** (5.85)	42.00 (6.82)
N	16	14	14	26	23
Adj. R ²	0.47	0.15	0.12	0.26	0.12

*** significant at the 0.01 significance level

** significant at the 0.05 significance level

* significant at the 0.10 significance level

The limited number of observations is a consequence of the missing observations on the side of the dependent and independent variables. From the results of the country-level regressions, it is clear that the size of the administration has a significant and positive effect on proactive signalling of the Commission. More staff enables a position to be formed earlier in the negotiation process and can thus enable proactive signalling. This result was not robust when accounting for the effectiveness of the coordination process. Encountering difficulties in coordination

significantly delays the stage of the negotiations at which a MS will predominantly signal its preferences (model 2 & model 6). Difficulties in coordination were suggested to be a size-related problem that could provide an advantage to smaller MS. However, it is important to keep in mind though that the results from Table 16, did not confirm larger member states to face more challenges in coordinating a position. While the coefficient had the hypothesised sign, this relation was not significant. Also the third variable -MS taking the initiative to consult stakeholders- proved to affect the stage at which MS predominantly signal the Commission (Model 1 & Model 5). A more proactive approach in engaging with societal actors, results in a stronger emphasis on the early, rather than the late stages of the negotiation process.

While support was found for the main hypotheses, the insignificant effects found in Model 3, suggest additional research is desirable to complement these findings.

Concluding discussion

After exploring and describing both the dependent and the independent variables, this final chapter formulated and tested the main hypotheses of this dissertation. What conclusions may we draw from these results?

First and foremost, the results indicate that **administrative capacity matters**. (1) Monitoring in particular has a significant impact on the amount of signals emitted to the Commission. The observation that monitoring capacity is not related to the size of a MS, suggests that also smaller MS have the potential to put their stamp on EU trade policy if they possess the required monitoring capacity. (2) The results also indicate that deriving capacity matters when explaining the amount of control a MS can exert. The relation between state and society appears to be a critical success factor. The amount and quality of input obtained from societal organizations explains the propensity by which a MS will signal their interests. Whereas countries vary in the presence of (large) business associations that can provide such input, the fieldwork has revealed various methods through which an administration can address such ails. The availability of human resources also affected the amount of signals emitted. **Size still matters**. However, caution is warranted in interpreting these results. It is important to reiterate that maintaining a large administration comes at a price. Increasing administrative capacity might not be worth the additional cost if it cannot be offset by additional gains.

Nonetheless, there are some low hanging fruits to be reaped. The largest explanatory power was derived from monitoring capacity, an indicator that is not related with the size of a MS. The role played by the representatives in the TPC is therefore vital to understand the potential impact a

MS can have. The selection of and support provided to these representatives in their daily operation can be a first starting point to strengthen the trade administration. Similar improvements can be identified with respect to the retention of expertise within the policy network, the training of key societal actors or the organisation of coordination meetings.

The main relation of interest was that between administrative capacity and control. This notwithstanding, two additional sub-themes addressed in this chapter were the preference for bilateral versus collective strategies and the member states' activity in the proactive versus the reactive stages of the negotiation process. While the framework supporting these analyses was not developed as rigorously, the findings are nevertheless interesting for further research. A MS monitoring capacity correlated strongly with a **preference for bilateral signalling tactics**. On the other hand, the analyses have shown that the number of staff, the efficiency of the coordination process and taking the initiative when consulting societal interests, can help in explaining why certain MS can **signal proactively** while others become more active in the later stages of the negotiations.

CONCLUSION:

A MATTER OF PRINCIPALS

'Rien ne recule plus le progrès des connoissances, qu'un mauvais ouvrage d'un auteur célèbre: parce qu'avant d'instruire, il faut commencer par détromper'

MONTESQUIEU, *De l'Esprit des Lois*, Livre XXX. Ch. XV.

Does administrative capacity increase member states' ability to exert control over the Commission in external trade negotiations? Or phrased in the terminology of the principal-agent model: Can endogenous information asymmetry explain variation in the control exerted by the different principals? The research presented in this dissertation suggests that there is a clear relation to be distinguished between the administrative capacity of a trade administration and its propensity to signal the agent.

While far from considering myself *'un auteur célèbre'*, the opening quote by Montesquieu raises a key question at the end of this dissertation: What may we learn from this research and should we continue building upon its findings? The conclusion provides an excellent opportunity to take stock of the lessons to be drawn and contemplate where it might take us in subsequent research. To do so, I have decided to write from a more personal perspective.

The first two sections provide a retrospective lens and summarise the ideas developed in this dissertation as well as the lessons learnt. The first section revisits the gaps identified in the literature and elaborates from a theoretical perspective how this research tries to fill the identified voids. The second section elaborates the findings that emerge from the empirical analyses. This applies both to the insights derived through the challenges of the research process as well as its results. The third section, will take a prospective angle and looks beyond the conducted research. Here too, the paths for further research are structured along an empirical and a theoretical dimension. The former seeks to look for additional areas where the applied research framework carries the potential to generate interesting new insights, whereas the latter presents the findings that fell outside the scope of the developed framework but warrant further analysis.

1. The ideas developed

At the start of this dissertation, the question was raised whether a member state's administrative capacity affect its ability to exert control over the Commission in international trade negotiations. Whereas different research traditions shed light on parts of the puzzle in accordance to their particular analytical focus, individually, none provided sufficient leverage over the posited research question. To provide a compelling answer, cross-fertilization between these different strands of literatures was deemed desirable and necessary. More specifically, by combining insights from *comparative public administration* (CPA), *negotiation theory* and the *principal-agent model* (PA), I hypothesised that member states vary in their propensity to signal the Commission, and that this variation can be explained by the performance of the national trade administration.

Below, I will first elaborate the contribution of this research to the concerned literature. Consequently, additional insights to be obtained from cross-fertilisation with the other research traditions will be elaborated when appropriate.

Principal-agent

(1) Contribution to PA: Rather than conceptualising the member states as part of a single collective principal i.e. the Council, I have argued that it might be better to consider the Council as some type of **hybrid principal**; wavering between a collective and a multiplicity depending on the (real or perceived) veto power of individual member states. The existing approaches to study the relation between the member states and the Commission are thus complemented by opening up the toolbox of 'multiple principal'- models. Doing so enables a meaningful study of member states' attempts for control quasi-independently from one another. Drawing insights from models with multiple principals was also important to enable a meaningful integration of the three research traditions distinguished.

(2) PA and Negotiation Theory: In a setting of multiple principals, a reconceptualization of 'control' was desirable to enable differentiation among the MS. Mechanisms of control that have featured prominently in existing research, such as the mandate, reporting requirements or the ratification process, are equally available to all MS. Hence, an alternative focus is warranted. Because MS and Commission interact continuously both within the Trade Policy Committee as well as outside, a '**signalling approach**' was used to study control. Such an approach emphasises the various instruments used by the principals to signal their interests to an agent and has been applied more commonly when dealing with a multiplicity of principals. The overlap between the variety of signals to be identified and the tactics employed by negotiators makes it possible to

integrate insights from negotiation theory in the PA-model from the side of the dependent variable.

(3) PA and CPA: Whereas the PA-literature has often recognised that monitoring is costly, little attention has been devoted to the divergent capacities of the member states as principal. Adhering to the idea of information asymmetry as the driver of agency slack, a distinction between exogenous and **endogenous information asymmetry** is suggested. Whereas the former looks at the external negotiating context as a source for information asymmetry, the latter focuses on the asymmetry in information that lies within the administration's control. Member states can decide to attend meetings –or not; they can decide to gather additional information regarding the preferred policy – or not. When treating the Council as a collective principal, existing approaches have most often resorted to exogenous information asymmetry to understand the relation between the MS as part of the Council as the Commission. To obtain leverage over our research question, it is more useful to focus on sources of endogenous information asymmetry.

Negotiation theory

(A) Contribution to Negotiation Theory: A minor contribution of this dissertation to the literature on negotiations is the focus on the **incidence of signalling** rather than the content of such signals. This simplification can ensure more accurate measurements despite the loss in detail. However, the main added value to Negotiation theory is located in the integration of insights from principal-agent models as well as comparative public administration.

(B) Negotiation Theory and PA: While many PA-scholars are cognisant of negotiating theory and have conducted research on both subjects, the two fields have mostly co-existed next to one another without much cross-fertilization.⁸⁰ Incorporating the highly institutionalised context within which member states and Commission interact into negotiation theory also generates new insights that can be of interest to the negotiation literature. More specifically, the conceptualisation of the Council as a hybrid principal guided the differentiation between **collective and bilateral signalling strategies**. Consequently, we have looked into the factors that may facilitate the preference for one strategy over the other. In addition to differentiating between the types of signals emitted, the PA-model also informed the identification of different **stages of**

⁸⁰ Compare for example Dür and Mateo (2010) with Dür and Elsig (2011); Niemann and Huigens (2011) with Niemann (2004) or da Conceição-Heldt (2011) with da Conceição-Heldt (2006).

the negotiation process. The six stages identified, allow for a distinction between proactive and reactive stages as well as between the formal and informal phases of the negotiation process.

(C) Negotiation Theory & CPA: But synergies could also be identified between negotiation theory and comparative public administration. Among the factors explaining negotiating tactics and strategies, the functioning of the administration behind the negotiator has only received scant attention. This research's focus on the **administrative capabilities** and more specifically the ability to monitor the Commission and derive domestic interests enables us to explain a MS propensity to apply signalling tactics. Prudent steps are also set to understand the capabilities or characteristics that enable a MS to be involved in the early or later stages of the negotiations as well as their preference for bilateral or collective strategies.

Comparative Public Administration

(A) Contribution to CPA: As briefly touched upon in the two previous sections, this dissertation also contributes to the growing Comparative Public Administration literature. Drawing on the notion of the policy network and network performance, the developed conceptualisation of administrative capacity represents an improvement to prior concepts and measures. But this research also presents –a modest- contribution to the more advanced literature on network performance. Most public administration scholars in this domain have focused their attention to implementation networks, whereas the **performance of policy networks** has attracted limited attention.

(B) CPA and Negotiation theory: Within the CPA studies that focus on EU member states, much attention has been devoted to map the divergences with regards to domestic coordination processes. Unfortunately none of these were applied to the EU's CCP. Moreover, the large majority of such studies are ideographic in nature. In the event that nomothetic approaches are applied, it primarily concerns the ability of member states to implement or 'download' European legislation. This dissertation contributes to the CPA-literature by studying a **MS' ability to upload their preferences** to the European level.

(C) CPA and political economy of trade: While the synergies with principal-agent model have already been discussed above, there is also a final theoretical contribution to be identified when looking at the extant political economy of trade policy. The institutional approaches in the comparative IPE of trade have almost exclusively focussed their attention on variation in the legislative system. In the EU's CCP, the national parliament's role has been usurped by the

executive and thus variation needs to be found at the level of the bureaucracy. In the end we are studying executives that seek control over a supranational executive.

In summary, this research has shown that there are significant synergies to be reaped from further integrating insights from comparative public administration, principal-agent models and negotiation theory. I consider the bridging of these three traditions in scholarship the most significant contribution to the broader literature.

Theoretical contributions:

1. Conceptualisation of the Council as a hybrid principal
2. Application of a signalling approach to study control
3. Conceptualisation of administrative capacity in a multilevel setting
4. Development of a framework to explain MS ability to 'upload' their preferences
5. Steps towards a comparative executive political economy of trade

2. The lessons learnt

Translating the theoretical framework to an empirical research design implied several hurdles to be overcome. The first hurdle pertained to the limited information available on the functioning of domestic trade administration. The second hurdle to be overcome was the derivation of concrete indicators for the quantitative analyses. To address these challenges, the general research design incorporated an exploratory qualitative stage before quantitative data could be gathered. Descriptive data analysis as well as the testing of various propositions took place before the main thesis could be asserted.

Qualitative findings

For the dependent variable – **control**– in-depth interviews with officials in the different European institutions were conducted. These interviews resulted in three main insights. First of all, the interviews showed that –contrary to prior expectations– Lisbon has not brought the CCP closer to the CFSP. The creation of a separate FAC trade as well as the role of the rotating presidency therein strengthened the relative independence of the trade policy community. Secondly, the interviews also confirmed the growing importance of informal processes in EU decision-making. This observation did not only refer to the discussions that take place in the margins of the TPC meetings, but also emanates through the organisation of Informal Technical Meetings by the European Commission. And finally, the interviews helped to clarify the role and importance of the various council working parties that discuss the EU's external trade negotiations.

On the side of the independent variable - **administrative capacity**- qualitative pilot studies in Belgium, Estonia, Poland and Spain unearthed variation along four identified topics of inquiry. First and foremost, administrations varied in terms of centralisation and the scope for overlapping competencies. Secondly, variation in the coordination process could be found on three dimensions: the openness to participation, method of conflict resolution and the potential for discussion. Thirdly, the member states differed with respect to the available resources at their disposal. These differences manifested themselves through the available staff, the scope for specialisation, and the pertinence of diplomatic rotation. Finally, variation was found regarding the way in which state and society interact. Thus it was found that not all administrations could rely on an extensive network of business associations and that interaction often occurred on the initiative of the administration itself.

Quantitative findings

Each of the quantitative chapters devoted to the dependent and independent variables consisted out of two parts: first an operationalization was elaborated followed by a descriptive analysis of the results obtained. This structure will be maintained in our discussion here.

The qualitative research confirmed that it was important to capture both formal and informal **processes of control**. By consequence a survey of representatives was preferred over a document-based codification of formal meetings. The focus on the incidence of a signal rather than its content also facilitated data reliability. Seven different signals were thus identified. In addition to distinguishing between various bilateral and collective signals, assessing the strength of these signals was also an important contribution to the literature.⁸¹ In the end, three propositions were formulated with regards to the dependent variable and put to the test. From the analyses it was revealed that (1) MS signalling strategies could not be explained by their voting power. Whereas the larger MS predominantly signalled their preferences directly to the Commission, smaller MS applied a wide variety of strategies. The data also showed that (2) involvement in an early phase of the negotiations leads to more signalling overall and that (3) MS that are mostly active during the formal stages of the negotiations also have a higher propensity to signal collectively.

⁸¹ Whereas many studies have distinguished –and combined– a wide variety of tactics, few have made a clear differentiation with respect to the ‘strength’ of these tactics. In this regard, my research is but a humble step that requires further refinement. A respondent suggested that instead of focusing on the ‘modus’ through which a signal was emitted, it might be better to grasp the weight of a signal by focusing on the authority of the recipient of said signal. Requesting a meeting with the Commissioner is a stronger signal than communicating with the chief negotiator or a commission official at a more technical level (Interview, TO#31). Deciding on the appropriate weights is a challenging endeavour but one – I believe – is important to undertake.

Administrative capacity was originally conceptualised as the ability to monitor the Commission and accurately derive domestic interests. In transforming this definition into measurable indicators, I started from the notion of network performance. Using a series of assumptions regarding the factors that foster and deter network performance, and drawing on the insights from the pilot studies, a survey was developed that grasps the ability of a trade administration to monitor the Commission and derive their domestic interests. The focus on the performance of the policy network seemed adequate from a theoretical perspective but appeared less feasible empirically. While data on monitoring capacity was easily gathered, the mapping of the –often decentralised- policy networks inside the capitals was far more difficult. Despite this set-back, I feel the derived indicators are stronger than existing indicators commonly used in (quantitative) comparative analyses.

Four findings emerged from the ensuing analyses. Firstly, member states vary strongly in their monitoring as well as deriving capacity; variation that can only for a small part be explained by the size of the MS. Secondly, the results raise doubt on one of the major assumptions in the IPE of trade policy i.e. the presence of competition among mobilised interest groups. A large majority of respondents rejected the statement that they receive sufficient input from societal stakeholders. The research also revealed that most interaction between state and society occurs on the initiative by the trade officials thereby questioning the assumption of the state as a passive aggregator of interest group pressures. That is not to say interest groups do not matter, rather the contrary. Instead, it suggests that we need to know more about trade policy-making in the absence of mobilised interests. As indicated in the first chapter, existing studies on the EU's trade policy have often focussed on the most politicised issues. This research reveals that such focus might create a biased view on the trade policy making process.

The third finding pertains to the challenge identified by Matthew Baldwin where he stated that national administrations are under increasing pressure. The research indicated that his concern has some credence as a large majority of respondents confirmed the challenge of having to do the same or more work but with fewer resources.⁸² And fourthly, we found that the amount of input from societal actors decreases significantly when we shift our focus from the Western to the

⁸² Further research is required to substantiate this finding as it is unclear whether the source of an increase in workload is due to the deepening and widening of the trade agenda, declining budgets or the supranational character of the policy domain. That is, if the results are not affected by social desirability bias in the first place.

Eastern member states. The capability of interest groups to provide useful information, however, was only related to the size of a country.

Administrative capacity and control

The dependent and independent variable were, ultimately, linked in the previous chapter. In testing the main hypothesis, the results indicate that monitoring capacity, indeed, increases control. The analyses were less straightforward with regards to the various components of deriving capacity. An increasing amount of -high quality- input from interest groups resulted in more signalling. A similar effect could be observed with respect to the available human resources. By contrast, the effects of coordination as well as the number of ministries are not significant. The absence of said effect can be related to the complexity of the causal relation under study. More ministries might lead to more input, but could also imply more administrative hurdles depending on the effectiveness of domestic coordination. Here, it could be worth considering configurational methods of data analysis (see e.g. Raab, Mannak, and Cambre, forthcoming)

Subsequent analyses also indicated that administrative capacity can explain the signalling strategy a MS applies. More specifically, MS that have high monitoring capacity signal the Commission relatively more often through bilateral than collective tactics. A final empirical contribution is related to the stage at which the MS predominantly voice their concerns. Those MS where the administration initiates consultation with societal stakeholders are found to be more active in the early stages of the negotiation than administrations that awaited input from interest groups. Also the availability of plenty human resources facilitates proactive signalling.

In summary, the most important contributions from an empirical perspective are the following:

1. Mapping the diversity in EU MS' trade administrations
2. Update on our knowledge of MS –Commission interaction in external trade policy
3. Asserting the importance of state-centric explanation in light of limited societal input
4. Finding of a relation between administrative capacity and MS signalling
5. Affirmation of the importance of societal interests

3. The paths revealed

In addition to the potential improvements to the theoretical and empirical research as identified above, we can also identify a number of directions to expand on this research. On the one hand we can adapt the developed framework and apply it to the study of similar cases; on the other

hand we can delve deeper into some of findings that fell out of the scope of the envisioned research. I will discuss each below.

3.1 I have a theory looking for cases!

The theoretical framework developed to study the relation between the functioning of a domestic (trade) administration and the control it can obtain over the Commission can be extended in three ways. It can be applied to other international organisations, to other legislative institutions (i.e. European Parliament) or to other policy domains.

International organisations

When looking for alternative cases to elaborate and test the developed hypotheses, a good starting point are other regional organisations. While the EU is one of the oldest and most integrated regions in the world, many other regional organisations have emerged over the last decades. The majority of these organisations also originated as a free trade area or customs union. The nascent literature of comparative regionalism has sought to map the (dis-)similarities between different regions and increase our understanding of their emergence and integration process. These studies have amongst others led to the mapping and comparison of various regional organizations (see e.g. Koitzsch 2012), the initiation of a dialogue between EU Studies and the new regionalism (Warleigh-Lack and Van Langenhove 2010)⁸³, and inquired into the potential causal drivers for the origin and evolution of such regions (Haastrup 2013; Jetschke and Lenz 2013). Neither the varying participation of member states in the internal decision-making process nor the factors explaining their influence have received much attention. A comparative analysis on how the member states in these regions coordinate a position is both timely and appropriate. Not in the least to enrich our knowledge on the political economy of trade in non-OECD countries. Countries that do not always conform to the standards of a liberal democracy (Hankla and Kuthy 2013; Milner and Kubota 2005).

A comparative analysis of national trade administrations in other regions can also be desirable to uproot the Europeanization literature from its *sui generis* perspective (Warleigh-Lack and Van Langenhove 2010). We can expect that member states of other regions will also adapt to a system of multi-level governance following their membership (Börzel 2011a).⁸⁴ The focus on trade policy

⁸³ But for a critique on the sustainability of such a dialogue see Jorgensen and Valbjorn (2012)

⁸⁴ Clearly one has to take into account that to effectively observe a 'Regionisation'-effect one needs to compare with similar countries that are not part of the regional organisation (Haverland 2006). Nevertheless, the comparison of trade

might be the best starting point for such an exercise. Not only because it is the policy domain where most competencies have been delegated to the regional organisation, but also because many regions have already participated in external trade negotiations. Studying how domestic trade administrations have organised in these countries –along with the regional decision-making process- is therefore of great interest both to the study of International Political Economy, comparative public administration as well as comparative regionalism.

In addition to other regional organisations, the theoretical framework can easily be expanded to study participation and influence within the World Trade Organization. Here, notions of administrative capacity have mostly featured to assess the developing countries' ability to fully participate in the negotiations as well as the organization's dispute settlement mechanism (Busch, Reinhardt, and Shaffer 2009; Guzman and Simmons 2005; Shaffer 2005). Most scholars have been concerned with members' legal capacity, or presence in Geneva.⁸⁵ While the delegation from the members to the WTO is of a different nature than the one within a regional organisation, it would be worth the effort to study empirically whether domestic decision-making processes can explain the –lack of- involvement of the different members within the WTO. Besides the effects of administrative capacity in terms of participation at negotiations, it might also be interesting to understand the (administrative) factors determining the choice to participate in the multitude of meetings organised within the WTO.

An additional reason to focus on international organisations like the WTO is that the divergence among the members in terms of technical expertise is likely to be of greater importance. The original proposal of this research project focused explicitly on epistemic sources of information asymmetry between principals and agent as the main independent variable. By consequence, it was quite understandably that the first reaction I obtained on my research design was the suggestion to select developing countries in my sample to increase variance on the independent variable. Forwarding this suggestion as a path for further research feels like succumbing to Lord Goring's device as he remarked: *"I always pass on good advice. It is the only thing to do with it. It is never of any use to oneself."* (Oscar Wilde, *An Ideal Husband*, Act I)

administrations across these regions can be of interest to understand whether the adjustment processes are similar and if not what explains such differences.

⁸⁵ The absence of LDC's in trade disputes should not be overstated, however. The possibility to free ride in dispute settlement procedures as well as the *'indirect use of the litigation system in the negotiations'* mitigates the gravity of their absence in trade disputes (Elsig and Stucki 2012, 311).

Other Legislative Institutions

The first applications of the principal-agent model in political science focused on the relation between a legislative and its executive. Expanding the formulated hypothesis would thus suggest that control of the EP over the Commission is contingent on the performance of the policy network(s) on which the MEP's can draw. With respect to the European Parliament, most studies have focused on the composition of committees (McElroy 2006); their functioning (Egeberg, Gornitzka, and Trondal 2014) or their powers (Mamadouh and Raunio 2003). Scholarship on the policy networks of MEPs is scarce although, recently, interest has been increasing (Egeberg et al. 2013).

Whereas scholars have argued that the European legislative system can be characterized as bicameral (Crombez, Steunenberg, and Corbett 2000; Crombez and Vangerven 2014), one has to take into account that representation within the Council (working party system) is not comparable to that of the European Parliament. The trade experts in the TPC are embedded in a trade administration that functions as the central hub of a large policy network. The implication this holds for bicameral decision-making in the EU has not attracted much research, however. Whereas recent studies have focused on explaining the EP's bargaining success (Costello and Thomson 2011; Rasmussen and Reh 2013), no study to my knowledge has looked into the impact of the divergent administrative capacity of both chambers on the resulting legislation. Both in terms of bargaining success, the number of amendments to a proposal or the chances of the overall proposal being rejected, we could hypothesise that divergent administrative capacity may be an important explanatory variable.

Understanding the performance of the policy networks the EP can rely on, is also an important pre-requisite to study any decision-making process subject to the OLP. Whereas the formulated thesis was applied to the case of external trade negotiations, one could think of alternative policy domains to study the relation between administrative capacity and the resulting control at the supranational level.

Other policy domains

A third application that is worth exploring concerns a cross-sectional study within a single member state. The performance of the policy network on which a national administration can draw is likely to vary across different policy domains. Inquiring into the effect of such variation on MS' influence is desirable for three reasons. Firstly, it enables a mapping of within-country variation. Many existing studies have either neglected the existence of such variation or refrained

from a systematic analysis thereof. By making an elaborate mapping, we can address the question whether future studies better differentiate across policy domains or whether the assumption can be maintained that country-level characteristics of the administration apply across policy domains. In the opening chapters, I have made the assumption that variation might be substantial, but adequate research is still lacking on this subject.

Secondly, attention to the differences within a country (rather than across MS) enables a most similar case-study design. This is important as it helps to address one of the largest challenges in asserting the impact of varying administrative forms i.e. over-determination. There are many explanations to the same phenomenon and the complexity of the structure of the policy-network makes the formulation of unambiguous hypotheses even more challenging. Studying variation within a country simplifies the comparative design as many explanatory factors remain stable across the cases.

Thirdly, the focus on different policy networks within a member state facilitates data-gathering; due to the limited marginal costs -both in time and in resources- to include additional cases in the research design. The researcher does not have to familiarise her- or himself with the linguistic barriers, institutional history or administrative culture before gaining access to the desired information (Eglene and Dawes 2006). As (horizontal) policy networks can overlap considerable, the amount of respondents to be consulted is also reduced. The additional time gained can facilitate the rigorous mapping of the broader policy network.

3.2 I have a case looking for theories!

Throughout the fieldwork and the data-analysis, I also encountered many findings that warranted deeper investigation, but fell outside the scope of the developed research framework. Two expansions from a theoretical perspective are deemed interesting. The first questions the capabilities of the Commission's DG Trade whereas the second looks into the personal traits of national representatives as an explanatory factor of negotiation strategies.

European Commission

With so many "deep and comprehensive" trade negotiations taking place simultaneously, a respondent raised the question as to why I did not pose the reverse question i.e. Does DG Trade still has the capacity to keep up with the trade agenda (Interview, TO#43)? Since the "Global Europe, Competing in the World" communication was issued by former Commissioner Mandelson (European Commission, 2006), the EU has initiated trade agreements with almost all

major trading partners in the world. In addition to Canada, India, Japan and the US it has reopened a number of its older agreements to upgrade them into deep and comprehensive agreements. The earlier concern by former DG Trade's director of Market Access, Matthew Baldwin, with regards to the member states' capacity to "*promote their interests [...], question the Commission, and defend the line against third-country 'incursion'*" (M. Baldwin 2006, 930) was voiced before the 'Global Europe' strategy was launched.⁸⁶ A path for further research might thus inquire into how the European Commission deals with this increasing workload.

From the interviews in Chapter 4 the prominence of the informal technical meetings featured as an alternative forum for decision-making. While originally not inquiring much into this subject, the repeated mentioning of these meetings by different respondents indicates that it is of considerable importance to the trade policy-making process. Part of the drivers for the increasing use of ITM's was related to the increasing workload of the Commission. As such this might also suggest an alternative explanation to the observed increase of informal governance in International Organisations. Most explanations for informal governance in the European Union, focus on demand by the member states to allow for a deviation from the formal procedures (Kleine 2013). Here, the origin might be the Commission itself.

Alternatively, the Commission has the power to shape the overall policy-network on which it relies to ensure a steady input of quality information. As such the Commission can act as a meta-governor that shapes and manages the policy-network rather than act as a passive aggregator of the interests of the multitude of stakeholders affected by trade policy decisions (Bell and Hindmoor 2009; Sørensen and Torfing 2009). Here the Market Access Partnership, the Informal Technical Meetings and the various consultations organised by the Commission might be an interesting subject for further research.

National Representatives in the Council Working parties

In my research, I have deliberately focused exclusively on the member states in relative isolation from each other. This approach was preferred to develop a parsimonious theoretical framework. However, it also implies that I repeatedly bumped into the limitations of such parsimony. The most pertinent of these limitations is the black-boxing of the national representatives. In my analysis, the representatives largely featured as a two-way transmission belt transmitting

⁸⁶ The 'Global Europe, Competing in the World' - communication was issued by Commissioner Mandelson and set in motion the EU's active pursuit of deep and comprehensive trade agreements with emerging economies (Commission 2006b).

information from the Commission to the administration and voicing the domestic position to the European level. Their importance was largely derived from their position at the nexus of the information flows. Nonetheless, as the pivotal players in a country's trade administration, the qualities and role conceptions of such representatives can be a potent explanatory factor not only of the amount of control exerted but also the strategies pursued.

The observation that participants of the TPC have a rather large discretion in the decision on how to defend national interests (even with detailed instructions), suggests that there is substantial scope for personal traits to complement the forwarded administrative capacity as a pre-cursor of control. That monitoring capacity was not associated with the size of a MS or its level of development, suggests that the qualities of the representative may matter to understand divergences in MS control over the Commission. The recollection of one TPC member that some representatives could punch above their weight through means of humour stresses the need to complement our focus on administrative capabilities with a more personal dimension.

This need also surfaced when studying the signalling strategies of different member states. Here, I already alluded to the potential for role conceptions. While meaningful variation has been found with regards to respondents intergovernmental versus supranational role conceptions (Beyers 2010; Hooghe 2005), most of this research has sought to explain the extent of socialization processes and their drivers, but have omitted to study the effects such role conceptions might have on policy outcomes or policy dynamics. The role conceptions forwarded in my research are different than the traditional focus on intergovernmentalism and supranationalism. They pertain to the MS' relation to the Commission as part of a collective or a singular principal. Further research is desirable to grasp such role conceptions and assess, for example, how they can affect MS' signalling strategies.

In summary

Coming back to Montesquieu's quote at the start of this chapter, it is now possible to address the question whether we can –or should- build on this research's findings. In this concluding chapter, I have tried to present a balanced picture of the potential uses and limitations of the conducted research. Despite the remaining challenges in measuring administrative capacity, I feel the research initiated through this dissertation provides a useful starting point for further inquiry. Clearly, through the fieldwork (and the ensuing data analysis) I have encountered the challenges to conduct comparative public administration research for nomothetic purposes. However, with the necessary caution, I believe it is worth the effort to gradually improve our understanding of

how administrations function and what its effects on member states' influence in the EU's multilevel decision-making system are.

There are clearly many paths undiscovered and thus many opportunities remain to refine our insight into the intricate relation between the performance of the policy network and control over the Commission. Through the executed research, I hope to have shed light on the challenges as well as the rewards to be encountered when venturing further on this path.

List of interviewees

I guaranteed the respondents all information would be treated with the greatest confidentiality; by consequence, I cannot provide detailed information regarding the respondents. Members of the Jury can obtain additional information regarding the interviewees upon request.

TO #	Function	Date	Interviewer	Method
1	National Official	02/05/2012	Johan	Person
2	National Official	31/05/2012	Johan	Person
3	National Official	04/06/2012	Johan	Person
4	National Official	04/06/2012	Johan	Person
5	National Official	05/06/2012	Johan	Person
6	National Official	05/06/2012	Johan	Person
7	National Official	05/06/2012	Johan	Person
8	National Official	07/06/2012	Johan	Person
9	National Official	01/08/2012	Johan	Person
10	National Official	17/08/2012	Johan	Person
11	National Official	20/08/2012	Johan	Person
12	National Official	21/11/2012	Johan	Person
13	National Official	21/11/2012	Johan	Person
14	National Official	22/11/2012	Johan	Person
15	National Official	23/11/2012	Johan	Person
16	National Official	27/11/2012	Johan	Person
17	National Official	27/11/2012	Johan	Person
18	National Official	28/11/2012	Johan	Person
19	National Official	21/11/2012	Kate	Person
20	National Official	22/11/2012	Kate	Person
21	National Official	20/11/2012	Kate	Person
22	EU Official	11/02/2013	Johan	Person
23	National Official	29/03/2013	Johan	Person
24	National Official	29/03/2013	Johan	Person
25	EU Official	16/04/2013	Johan	Person
26	EU Official	18/04/2013	Johan	Person

27	EU Official	24/04/2013	Johan	Person
28	National Official	14/08/2013	Johan	Person
29	National Official	22/08/2013	Johan	Person
30	EU Official	21/10/2013	Johan	Person
31	EU Official	21/10/2013	Johan	Person
32	National Official	20/11/2013	Johan	Person
33	National Official	13/03/2014	Johan	Phone
34	National Official	04/03/2014	Johan	Phone
35	National Official	04/03/2014	Johan	Phone
36	National Official	04/03/2014	Johan	Phone
37	National Official	05/03/2014	Johan	Phone
38	National Official	05/03/2014	Johan	Phone
39	National Official	05/03/2014	Johan	Phone
40	National Official	05/03/2014	Johan	Phone
41	National Official	07/03/2014	Johan	Phone
42	National Official	11/03/2014	Johan	Phone
43	National Official	11/03/2014	Johan	Phone
44	National Official	11/03/2014	Johan	Phone

Appendix I: Survey 1– TPC officials

1. In preparation of and during a typical meeting of the TPC, how often do you engage in the following activities?

Activity	Never	Very Rarely	Rarely	Regularly	Frequently	Very Frequently
a. Contacting other member state representatives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Adding an issue to the agenda	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Voicing concerns during the meeting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Communicating concerns to the Commission through e-mail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Communicating concerns to the Commission over phone	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Meeting in person with Commission officials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Coordinating a position with like-minded states	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. At which stages of the negotiation process do you generally engage in the activities listed in the previous question?

Stage	Never	Very Rarely	Rarely	Regularly	Frequently	Very Frequently
a. Prior to discussions on the mandate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. During the approval of the mandate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. In the first negotiation rounds, before texts are circulated	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. As soon as concrete texts are being made available	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. When the ratification of the agreement is being discussed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Once the agreement needs to be implemented	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. To monitor the Commission during negotiations, a myriad of sources can be used. How frequently do you consult the following sources in an average month?

Source	Never	Very Rarely	Rarely	Regularly	Frequently	Very Frequently
a. Briefings within the Trade Policy Committee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Informal Technical Meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Bilateral contacts with Commission officials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Other DG's within the Commission	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Council Secretariat	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. European Parliament	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Other Member State representatives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Colleagues from within the (line) ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Colleagues from other ministries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Permanent Representation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k. Your embassies abroad	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l. The external negotiating partners (i.e. non EU member states)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m. Private stakeholders (i.e. Business associations, NGO's, labour unions)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. How often do you feel that the Commission's initial proposals deviate from your country's preferences?

☐ Never ☐ Very Rarely ☐ Rarely ☐ Regularly ☐ Frequently ☐ Very Frequently

6. In your view, how often has your country been successful in shaping the Commission's negotiating position?

☐ Never ☐ Very Rarely ☐ Rarely ☐ Regularly ☐ Frequently ☐ Very Frequently

Appendix II: Summary statistics

[A] Summary statistics –respondent level

Variable	Mean	Minimum	Maximum	Standard deviation
Strategy	46.88	30.77	57.14	6.59
Strategy(weighted)	43.92	24.14	62.22	8.27
Proactive (ratio)	55.90	33.33	72.73	9.52
Proactive (added)	56.56	40	76.67	9.82
Formal	50.50	41.67	66.67	5.77
Shapley Shubik Index	0.035	0.009	0.146	0.036
Vote power	0.035	0.009	0.082	0.025
GDP per Capita	36891.83	9036	103828	19130.64
Log(population)	-4.16	-7.10	-1.83	1.35
CMB	57.88	26.67	100	15.84
CoordResult	63.51	37.5	100	20.13
CoordMethod	69.35	50	100	16.72
Societal input	43.43	0	87.5	28.35
#staff (imputed)	31.62	7	67.9	16.80

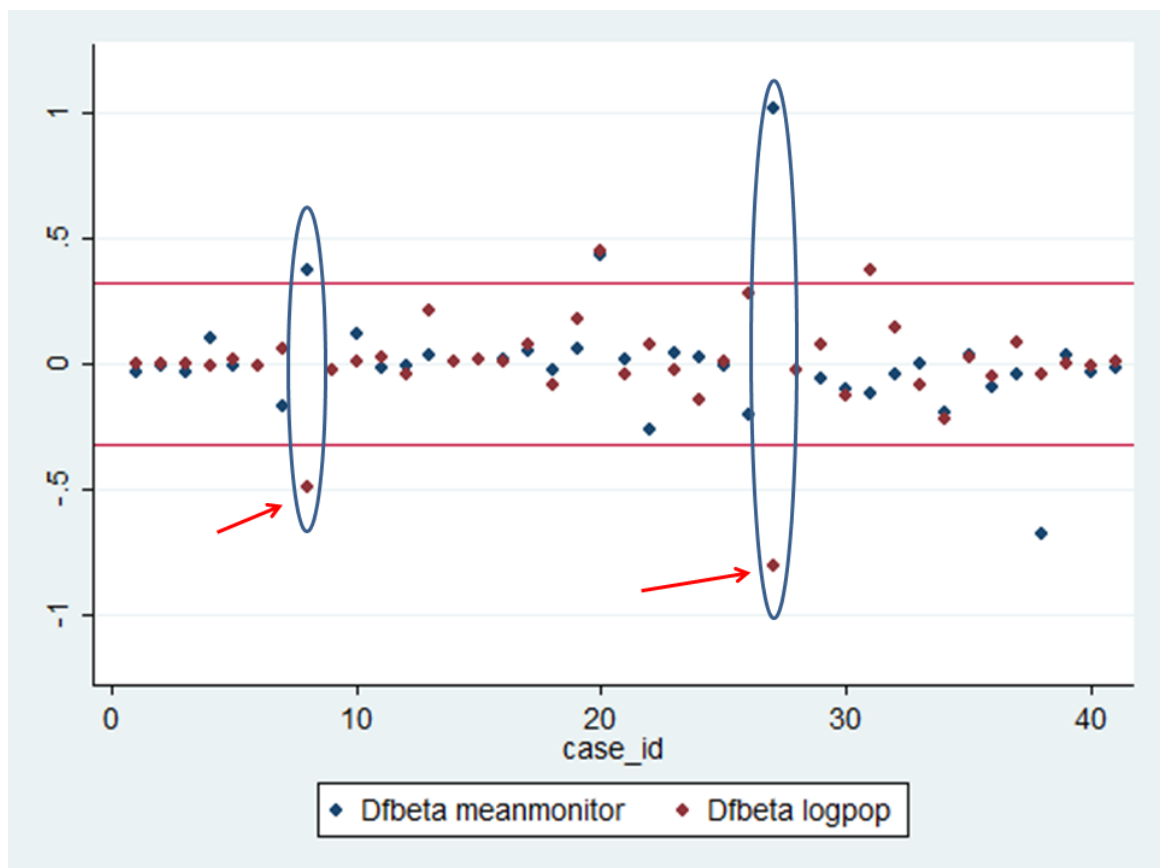
[B] Summary statistics (country-level)

Variable	Mean	Minimum	Maximum	Standard deviation
Strategy	47.41	37.39	57.14	4.68
Strategy(weighted)	44.80	30.74	62.22	6.70
Proactive (ratio)	55.86	33.33	72.73	8.70
Proactive (added)	56.80	40	70	8.26
Formal	50.52	43.48	66.67	4.97
Shapley Shubik Index	0.04	0.01	0.15	0.04
Vote power	0.04	0.01	0.08	0.03

GDP per Capita	34179	9036	103828	21974.78
Log(population)	-4.17	-7.10	-1.83	1.44
CoordResult	64.44	37.5	100	20.16
CoordMethod	71.67	50	100	16.00
Societal input	41.67	0	87.5	26.56
# Staff (imputed)	30.80	7	67.9	18.21

3. Assessment of outliers.

A common method to assess the presence of outliers is through the calculation of DFBETA's. This is a measure that can be calculated for each observation and is basically the difference between each of the regression coefficient calculated for the full sample and the regression coefficient calculated with the observation deleted. The cut-off value for DFBETAs is $2/\sqrt{n}$, with n the number of observations. In the graph below, the cut-off values are indicated by the horizontal lines. Values outside this band warrant additional scrutiny. The two observations within the ovals were also identified through qualitative follow-up interviews and were removed from the sample.



Appendix III: Topic list Interviews Trade Administration

1. Human Capital – staff

1. How many people are active within your sub-directorate general ?
2. What is the average experience of staff within the sub-directorate general?
3. What is the general profile of the staff employed? Tecnicos Comerciales y Economistas, diplomados comerciales del estado, other?

2. Internal organization

4. Could you describe the internal process that follows once the Commission expresses his intention to initiate a new trade proposal (E.g. launch a new trade agreement)?
 - a. How are responsibilities assigned for such an initiative? Is responsibility assigned to one specific sub-directory or shared through a task-force?
 - b. Who or which body assigns such a responsibility?
 - c. Does some form of prioritization takes place at this stage?
5. How do you ensure coherence across different policy initiatives? Internal coordination meetings, a policy plan/strategy?
6. How do you determine the Spanish position in a given trade negotiation?
 - a. Build on prior experience within the group?
 - b. Do you perform an impact analysis of different alternative scenarios?
 - c. Input from other ministries or departments? (which?)
 - d. Reliance on private actors for input (sectoral organizations or individual firms)
7. Does the intensity of these activities (information gathering and coordination) differ according to the stage of the negotiation?

3. Interaction with Public actors

In the previous section we briefly touched upon the role of expertise in other ministries for the formation of the Spanish position. Trade policy touches upon many areas that belong to the competency of other ministries.

8. In which fora do you generally deal with potential conflicts?
9. What is the frequency of such meetings?
10. How are potential conflicts resolved?

4. Interaction with Private actors

11. Through which channels does consultation with societal actors take place? Does it take place on an ad-hoc basis or through rather structured meetings?
12. How are these societal actors selected? If they come on their own account, how are they informed?
13. What is the frequency of such contacts?

Appendix IV: Survey 2 – National trade officials

1. For which country do you work:

2. In which Ministry do you work:

3. In which administrative unit are you currently employed ? (*Unit refers to the directorate, sub-directorate or unit that most accurately defines your work environment*) _____

4. Are you the head of this unit? ☐YES ☐NO

PART I: FORMULATING A POSITION ON TRADE ISSUES

5. In preparing the position of your country on a trade issue, how frequently do you actively consult the following sources of information?

Data- Source	Never	Very Rarely	Rarely	Regularly	Frequently	Very Frequently
a. Own experience	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Economic data	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Colleagues from other units						
° within your ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
° outside your ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Export promotion agency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Your country's embassies abroad	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Individual firms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Sectoral business associations (e.g. car manufacturers, farmer's union)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Umbrella organizations (e.g. chambers of commerce)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Civil Society Organizations (Labour unions or NGOs)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j. Parliament (committees & parties)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h. Minister (including his private office or cabinet)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. Which units – both within and outside your ministry- are actively involved in preparing your country's trade position? List the ones with whom you interact most frequently in order of importance.

	Unit	Ministry
1.		
2.		
3.		

7. Over the last six months, how often did you coordinate with other Ministries through:
(Coordination involves sharing of information, circulating positions, voicing concerns and solving disputes)

	Less than once every three months	Every three months	Each month	Every two weeks	Once a week	Multiple times a week
Roundtable meetings with all concerned ministries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal meetings with the responsible line ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Correspondence over an extensive e-mail list	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Correspondence with the responsible line ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Meetings within an inter-ministerial taskforce	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trilateral discussions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

8. How often does it occur that the position as prepared by your unit is amended or adjusted by:

	Never	Very Rarely	Rarely	Regularly	Frequently	Very Frequently
Other units within your ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other ministries	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Permanent representation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The responsible minister or his/her personal advisors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PART II: INFORMATION ON YOUR ADMINISTRATIVE UNIT

9. How many people in your unit work on European trade policy?

- ☐ one (yourself)
- ☐ between 2 and 5
- ☐ between 5 and 10
- ☐ between 10 and 20
- ☐ more than 20

10. Can you give an estimate of the total number of staff working on trade within your ministry?

_____ Staff members (Full Time Equivalents)

11. How much time do you generally devote to the following activities

0= 0% of your time --- 10 = 100% of your time

(a) Processing information provided by the Commission & the Council

(b) Consulting with domestic stakeholders

(c) Defending your country's position in Brussels

(d) Coordination within and across ministries

(e) (legal) Implementation & provision of public service

(f) Other, non-trade related activities

12. How would you rate the overall effectiveness of the training and development you have received in the last 12 months in terms of addressing the challenges you face on-the-job?

- ☐ Very high
- ☐ High
- ☐ Moderate
- ☐ Low
- ☐ Very Low
- ☐ No training received

13. Please evaluate the following statements:

Statement	Yes	Yes, but	Indifferent	No, but	No
We receive little input from business organizations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Interaction with private stakeholders occurs mostly on our initiative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private stakeholders lack the required expertise to provide useful input	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
We face difficulties balancing our offensive and defensive interests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

14. I feel the quality of my work suffers because of ...

	Never	Rarely	Regularly	Frequently	Always	Not Applicable
Constantly changing political priorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overly bureaucratic procedures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Having to do the same or more work, but with fewer resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
High staff turnover	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Increasingly complexity of trade issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Appendix V: Questionnaire phone interviews

Trade policy often touches upon the competencies of various ministries. My first questions are related to the involvement of such ministries when determining a position on trade and the internal coordination processes.

- Q1. Which ministries in your country's administration are regularly consulted on trade issues? Regularly means at least one a month.
- Q2. How does coordination usually take place?
 - Bilateral or roundtable meetings? Importance of e-mail versus personal meetings?
 - Does the ministry select who to consult or can each ministry attend?
 - If personal meetings occur. How often do they occur and are these meetings formalised (e.g. a personal meeting a day before the TPC)?
- Q3. Can you give a **rough estimate** of the total number of staff working on trade issues within your government? That implies trade officials in your own ministry and the experts from the ministries listed in Q1.

In formulating a position, different challenges can be encountered. The following statements try to assess whether these challenges apply to your trade administration.

- Q4. Please evaluate the following statements:

Statement	Yes	Yes, but	Indifferent	No, but	No
a. We receive little input from business organizations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Interaction with private stakeholders occurs mostly on our initiative	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Private stakeholders lack the required expertise to provide useful input	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. We face difficulties balancing our offensive and defensive interests	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. I feel the quality of my work suffers due to administrative hurdles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. I feel the quality of my work suffers because we have to do the same or more work, but with fewer resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I feel the quality of my work suffers because of high staff turnover	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Executive Summary

For the negotiation of international trade agreements, the Member States (MS) delegate negotiating authority to the European Commission but retain control through the Council of Ministers. While the treaty provisions provide the same control mechanisms to all MS, recent studies that inquired into the different tactics and strategies employed by national representatives in the different Council meetings have uncovered substantial variation among the MS. This evidently raises questions about the causes of this variation. Why do some MS exert more control on the Commission-as-negotiator than others?

The research presented in this dissertation seeks to contribute to this debate by presenting the thesis that such variation is determined by the performance of the national administration. The relation between administrative capacity and member states' influence over the EU's decision-making process has only attracted cursory attention. While the literature of *comparative public administration*, *negotiation theory* and the *principal-agent model* has each touched upon the subject, gaps still persist. To provide a compelling answer, cross-fertilization between these different strands of literatures is necessary. In order to reap the identified synergies, the dissertation starts from the Principal-Agent model and argues that the Council can also be conceptualised as a multiplicity – rather than a collective- of principals. This implies that each MS has the ability to monitor, reward or sanction the Commission-as-agent independently during the negotiations. To study control (the dependent variable) in a context of multiple principals, a signalling approach was preferred over a focus on formal mechanisms of control. The conceptualisation of administrative capacity (the independent variable) is made in reference to the specific functions an administration performs. Applied to the EU's external trade negotiations, two such tasks were identified i.e. monitoring what the Commission is negotiating on behalf of the MS (*monitoring capacity*) and deriving a nation's interests within the negotiation (*deriving capacity*). The main thesis presented in this dissertation then posits that higher administrative capacity results in more frequent signalling of the Commission.

Empirically, a mixed method design was applied to test this assertion. Both for the operationalization of the dependent and independent variable an exploratory qualitative stage was organised to foster greater understanding of the national and EU policy-making contexts. Interviews were conducted in four member states –Spain, Belgium, Estonia & Poland- and with senior officials in the EU institutions. Based on these insights, survey-instruments were developed and distributed among trade officials in the relevant working parties as well as in

national trade administrations. Participants of the different formations of the Trade Policy Committee filled in a survey on various signalling tactics they apply in an effort to control the Commission. In addition to the frequency by which the respondents signalled the Commission, data was also gathered on the stage in the negotiations at which such signalling takes place and the applied signalling strategies (bilateral or collective). To explain the uncovered variation, data on both monitoring and deriving capacity was gathered from national trade officials. Monitoring capacity covers the various sources of information a representative consults to be informed on the Commission's actions. As trade officials consult a wider array of sources and with greater frequency, their monitoring capacity increases. With respect to deriving capacity, the gathered data covers three different traits of the policy network: the different actors involved, the available human resources and the coordination process by which the diverse interests are aggregated. Ultimately, data on twenty-two MS was gathered, forming a representative sample.

Through bootstrapped regression analysis we could not reject the thesis that higher monitoring capacity leads to more control being exerted even when controlling for a MS' size. The evidence was more opaque when it concerns deriving capacity. Here, input from societal actors and the available human resources showed a positive correlation with the signals emitted. Based on the data gathered, a relation between the coordination process and control could not be found. Next to finding a relation between administrative capacity and MS signalling, the dissertation also points to the importance of state-centric explanations of trade policy in light of limited societal input. Both the qualitative fieldwork in the member states as the survey data indicated that not all administrations have equal access to input from business organisations.

Sommaire

Pour la négociation des accords commerciaux, les États membres (EM) donnent délégation à la Commission européenne. En même temps, ils gardent une forme de contrôle grâce à leur siège au sein du Conseil de l'Union européenne. Bien que les dispositions du traité fournissent les mêmes mécanismes de contrôle à tous les États membres, des études récentes mettent en évidence des différences significatives entre les États membres en ce qui concerne leurs activités au Conseil de l'UE. Ceci suscite évidemment des questions sur les causes de ces différences. Pourquoi certains EM exercent-ils plus de contrôle sur la Commission-comme-négociateur que d'autres?

La recherche présentée dans cette thèse vise à alimenter ce débat en soutenant la thèse que cette variation est déterminée par la performance de l'administration nationale. La relation entre la capacité administrative des États membres et l'influence sur le processus de prise de décision de l'UE n'a attiré qu'une attention superficielle. La littérature relative à l'administration publique comparée, la théorie de la négociation et le modèle principal-agent a abordé le sujet. Des lacunes persistent cependant. Afin d'apporter une réponse convaincante, l'intégration de ces différents volets de la littérature est nécessaire. Pour valoriser les synergies identifiées, la thèse s'appuie sur le modèle principal-agent et fait valoir que le Conseil peut également être conceptualisé comme une multiplicité - plutôt qu'une collectivité- des principales. Cela implique que chaque État membre -comme principal- a la capacité de surveiller, récompenser ou sanctionner la Commission -comme agent- durant les négociations. Pour étudier ce contrôle (la variable dépendante) dans un contexte de multiples principales, une approche de signalisation a été préférée à une mise au point sur les mécanismes de contrôle officiels. La conceptualisation de la capacité administrative (la variable indépendante) est faite en référence aux fonctions spécifiques qu'une administration exécute. Une fois ce principe appliqué aux négociations commerciales extérieures de l'UE, deux de ces tâches ont été identifiées à savoir la surveillance de ce que la Commission est en train de négocier au nom de les EM (capacité de surveillance) et l'identification des intérêts de la nation dans cette négociation (capacité d'identification). L'hypothèse principale présentée dans cette thèse postule alors que des capacités administratives plus élevées augmentent la fréquence d'émission des signaux à l'égard de la Commission.

Empiriquement, une conception de la méthode mixte a été utilisée pour tester cette hypothèse. Une phase qualitative exploratoire a été organisée tant pour l'opérationnalisation des variables dépendante et indépendante pour favoriser une meilleure compréhension des contextes politiques nationaux et européen. Les entrevues ont été menées dans quatre États membres-

Espagne, Belgique, Estonie et Pologne-et avec des hauts fonctionnaires dans les institutions de l'UE. Sur la base de ces idées, les questionnaires ont été élaborés et distribués aux responsables du commerce dans les groupes de travail du Conseil concernés ainsi que dans les administrations nationales du commerce. Les participants aux différentes formations du Comité de la politique commerciale ont répondu à une enquête sur les tactiques de signalisation qu'ils appliquent pour contrôler la Commission. La fréquence avec laquelle les répondants ont donné des signaux, mais aussi les phases dans lesquelles se trouvaient les négociations ainsi que les stratégies de signalisation appliquées (bilatérales ou collectives) ont été relevés. Pour expliquer la variation découverte, des données à la fois sur la capacité de surveillance et celle d'identification ont été recueillies à partir de responsables nationaux du commerce. La capacité de surveillance couvre les différentes sources d'information qu'un représentant consulte en étant informé sur les actions de la Commission. Quand les responsables du commerce consultent un large éventail de sources, avec une plus grande fréquence, leur capacité de surveillance augmente. En ce qui concerne la capacité d'identification, les données recueillies couvrent trois caractères différents du réseau politique: les différents acteurs impliqués, les ressources humaines disponibles et le processus de coordination par lequel les divers intérêts sont synthétisés. En fin de compte, ce sont des données sur vingt-deux États membres qui ont été recueillies formant un échantillon représentatif.

Grâce à l'analyse de régression à la méthode bootstrap nous ne pouvions pas rejeter la thèse selon laquelle une capacité de surveillance plus élevée conduit à un plus grand contrôle exercé même après contrôle de la taille d'un EM. La preuve est moins claire quand il s'agit de la capacité d'identification. Ici, les contributions des groupes d'intérêt et les ressources humaines disponibles ont montré une corrélation positive avec les signaux émis. Sur base des informations obtenues, une relation entre la manière de coordonner et le contrôle n'a pu être trouvée. La thèse souligne également l'importance d'explications centrées sur l'état de la politique commerciale. Le travail qualitatif sur le terrain dans les États membres et les données de l'enquête indiquent que toutes les administrations ne peuvent pas compter sur une contribution égale de leurs groupes d'intérêt.

Samenvatting

Voor de onderhandeling van internationale handelsakkoorden delegeren de lidstaten onderhandelingsbevoegdheid aan de Europese Commissie. Terzelfdertijd behouden ze enige controle door hun zetel in de Raad van Ministers. Hoewel de verdragsbepalingen voor iedere lidstaat dezelfde controlemechanismen voorzien, hebben recente studies aangetoond dat de lidstaten onderling sterk verschillen in de mate waarin ze zich laten gelden binnen de raad van ministers. Dit roept uiteraard vragen op over de oorzaken van deze variatie. Waarom oefenen sommige lidstaten meer controle uit over de Commissie-als-onderhandelaar dan anderen?

Het onderzoek in dit proefschrift beoogt een bijdrage aan dit debat te leveren door de stelling te poneren dat deze variatie een gevolg is van het functioneren van de nationale administratie. De relatie tussen de bestuurlijke capaciteit en de invloed die lidstaten over het besluitvormingsproces van de Europese Unie (EU) uitoefenen heeft slechts beperkte aandacht gekregen. Terwijl de literatuur van de vergelijkende bestuurskunde, onderhandelingstheorie en het principaal-agent model hun licht lieten schijnen over deelaspecten van deze vraag, bleven er grote lacunes bestaan. Om een deftig antwoord te geven, is een kruisbestuiving tussen deze verschillende onderdelen van de literatuur noodzakelijk.

Teneinde de geïdentificeerde synergieën te benutten, vertrekt het proefschrift van het principaal-agent model en wordt er geargumenteed dat de Raad ook kan worden opgevat als een veelvoud - in plaats van een collectiviteit- van principalen. Dit houdt in dat iedere lidstaat vanuit zijn hoedanigheid als principaal over de mogelijkheid beschikt om de Commissie te observeren, te belonen of te bestraffen tijdens de onderhandelingen. Om controle (de afhankelijke variabele) in een context van meerdere principalen te bestuderen, verkoos ik de conceptualisering van controle als het sturen van signalen boven een focus op formele controlemechanismen. De conceptualisering van bestuurlijke capaciteit (de onafhankelijke variabele) is bepaald in functie van de specifieke taken die een administratie uitvoert. Toegepast op het externe handelsbeleid, werden twee dergelijke functies geïdentificeerd, met name het observeren van wat de Commissie onderhandelt namens de lidstaten (observatiecapaciteit) en het identificeren van de belangen van een land binnen de onderhandelingen (identificatiecapaciteit). De voornaamste hypothese in dit proefschrift stelt dat hogere administratieve capaciteit resulteert in het frequenter signaleren van de Commissie.

Empirisch werd een 'mixed method' ontwerp uitgewerkt om deze stelling te onderzoeken. Een verkennende kwalitatieve fase vond plaats om meer inzicht te verwerven in het nationale en

Europese beleidsvormingsproces. Interviews werden uitgevoerd in vier lidstaten -Spanje, België, Estland en Polen-en met ambtenaren in de EU-instellingen. Op basis van deze inzichten, werden survey-instrumenten ontwikkeld en verspreid onder de vertegenwoordigers in de betrokken raads werkgroepen, alsmede in de nationale handelsadministraties. De deelnemers van de verschillende formaties van het Comité Handelspolitiek vulden een enquête in over de frequentie waarin ze verschillende signaleringstactieken gebruiken. Daarenboven werd ook informatie verzameld over de stadia van het onderhandelingsproces waarin dergelijke tactieken gebruikt worden evenals de geprefereerde signaleringsstrategie (bilateraal of collectief). Om de gevonden variatie te verklaren, werden respondenten in de nationale handelsadministraties bevraagd over hun observatie- en identificatiecapaciteit. Observatiecapaciteit werd geoperationaliseerd door de mate waarin vertegenwoordigers diverse informatiebronnen consulteren. Hoe breder het scala aan bronnen en hoe frequenter deze bronnen geconsulteerd worden, hoe groter de observatiecapaciteit. Met betrekking tot de identificatiecapaciteit, dekken de verzamelde gegevens drie verschillende kenmerken van het beleidsnetwerk: de veelheid aan actoren die betrokken zijn in het formuleren van een positie, de beschikbare personeelsmiddelen en de performantie van het coördinatieproces. Uiteindelijk werden gegevens over tweeëntwintig lidstaten verzameld wat resulteert in een representatieve steekproef.

De stelling dat hogere observatiecapaciteit leidt tot meer controle konden we niet verwerpen op basis van een gebootstrapt regressie-model. Zelfs na controle voor de grootte van een lidstaat zijn de resultaten significant. De resultaten waren minder duidelijk als het gaat over het effect van identificatiecapaciteit. Hier toonden de inbreng van maatschappelijke actoren en het beschikbare personeel een positieve correlatie met de signalen die worden uitgezonden. Op basis van de verzamelde gegevens kon er echter geen effect gevonden worden van het coördinatie proces op de uitgeoefende controle. Naast het vinden van een relatie tussen de bestuurlijke capaciteit en de controle uitgeoefend door de lidstaten benadrukt het proefschrift ook het belang van statelijke verklaringen van het handelsbeleid. Zowel het kwalitatieve veldwerk in de lidstaten als de enquêtegegevens tonen aan dat niet alle administraties evenzeer kunnen rekenen op de inbreng van maatschappelijke actoren.

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